



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



—

—

9004
1-5
HISTORICAL MEMOIRS

OF THE

ENGLISH, IRISH, AND SCOTTISH

CATHOLICS,

SINCE THE REFORMATION;

WITH

A SUCCINCT ACCOUNT OF THE PRINCIPAL EVENTS IN THE
ECCLESIASTICAL HISTORY OF THIS COUNTRY

ANTECEDENT TO THAT PERIOD,

AND IN THE HISTORIES OF THE ESTABLISHED CHURCH,
AND THE DISSENTING AND EVANGELICAL CONGREGATIONS;

AND SOME

HISTORICAL MINUTES RESPECTING THE TEMPORAL POWER
OF THE POPES; THE SEPARATISTS FROM THE CHURCH
OF ROME BEFORE THE REFORMATION; THE SOCIETY
OF JESUS; AND THE GUELPHIC FAMILY.

By CHARLES BUTLER, Esq.

OF LINCOLN'S-INN.

ΦΩΝΑΝΤΑ ΕΠΙΕΙΚΕΣΙ.

IN FOUR VOLUMES:

VOL. II.

THIRD EDITION,

CORRECTED, REVISED, AND CONSIDERABLY AUGMENTED.

LONDON:

JOHN MURRAY, ALBEMARLE-STREET.

1822.

Quare quis taudem me reprehendat, si quantum cæteris ad festos dies ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis: quantum alii tempestivis conviviis, quantum aleæ, quantum pilæ, tantum mihi egomet, ad hæc studia recollenda, sumpsero.

CIC. PRO. ARCHIA.

Le changement d'étude est toujours un delassement pour moi.

D'AGUESSEAU.

137.75
985 hi
822
1.2

(iii)

CONTENTS
OF
VOLUME THE SECOND.

CHAP. XXXV.

<i>The Armada. Conduct of the English Catholics</i>	- - -	page 1
1588.		
1.—Bull of Sixtus Quintus	- - - - -	2
2.—Cardinal Allen's Admonition to the Nobility and People of England	- - - - -	5
3.—Conduct of the English Catholics during the threat- ened Invasion	- - - - -	8

CHAP. XXXVI.

<i>The Politics of some of the English Catholic Fugitives, in the Spanish Dominions—Publications of their School—The Queen's Proclamation—The Reply of Father Persons—The Penal Act against the Catholics of the thirty-fifth year of her Majesty</i>	- - - - -	14
1594.		
1.—The Spanish Party among the English Catholic Fugitives	- - - - -	15
2.—Circumstances attending the Spanish Party; two Publications of their School	- - - - -	20
3.—Proclamation in the thirty-fifth year of Queen Elizabeth	- - - - -	25

CONTENTS OF

- 4.—The Reply of Father Persons - - - page 29
 5.—Penal Acts of the thirty-fifth year of Queen Elizabeth against the Catholics - - - - - 42

CHAP. XXXVII.

- Assertion that the Priests were executed, not for their Religion, but for their Commission of Acts of High Treason - - 44*

CHAP. XXXVIII.

- Continuation of the Practices of the Spanish Party - - - 47*
 1601.

CHAP. XXXIX.

- Protestation of Allegiance, presented to the Queen by Thirteen secular Priests - - - - - 56*
 1602.

CHAP. XL.

- Death of Queen Elizabeth - - - - - 65*
 1603.

CHAP. XLI.

- James the First—His Accession to the Throne - - - - 70*
 1603.

CHAP. XLII.

- The Conspiracy of Sir Walter Raleigh - - - - - 79*
 1603.

CHAP. XLIII.

- The Disposition of James the First towards the Catholics at his Accession to the Throne: his immediate Proclamation, and Laws against them—their disappointment and feelings - - - 83*

VOLUME THE SECOND.

v

CHAP. XLIV.

<i>The Gunpowder Conspiracy</i> - - - - -	page 92
1606.	

CHAP. XLV.

<i>Trial of Father Garnett, of the Society of Jesus, and others, for the Gunpowder Conspiracy</i> - - - - -	102
---	-----

CHAP. XLVI.

<i>Gunpowder Conspiracy continued: Miscellaneous Occurrences and Reflections</i> - - - - -	159
1.—Writers to be consulted on the subject - -	160
2.—Other Jesuits accused of being concerned in the Conspiracy - - - - -	161
3.—Observations on the conduct of Father Garnett	164
4.—On Cecil's privity to the Conspiracy - - -	172
5.—Inquiry whether it can justly be charged on the general body of the Catholics - - - -	177

CHAP. XLVII.

<i>The Oath of Allegiance framed by James the First</i> - -	184
1.—His motives in framing this Oath - - -	185
2.—The Oath - - - - -	192
3.—The Briefs of Paul the Fifth against the Oath	194

CHAP. XLVIII.

<i>The Controversy respecting the lawfulness of the Oath</i> -	200
--	-----

CHAP. XLIX.

The Examination of Mr. Blackwell, the Archpriest, before his Majesty's Ecclesiastical Commissioners - - - - page 204

CHAP. L.

Ulterior Occurrences respecting the Protestation of Allegiance 211

- 1.—The Petition of eight Priests confined in Newgate, to Paul the Fifth, for an Explanation of his Briefs - - - - - 212
- 2.—Opinion of several Doctors of the Sorbonne in favour of the Oath—Sentiments of Bossuet respecting it - - - - - 213
- 3.—Final division of Opinion on the Oath - - 218
- 4.—Complete rejection, (now adopted by the universal Catholic Church), of the Pope's deposing power, in the Declaration of the Gallican Church, in 1682 - - - - - 220

CHAP. LI.

Decline of the Party of the English Fugitives in Spain - 223
1612.

CHAP. LII.

General view of the Laws passed against the Catholics in the reigns of Elizabeth and James—Death of James - - 230
1625.

CHAP. LIII.

The Institution of an Archpriest—Death of Father Persons—English Benedictine Monks—Friars—College at Lisbon 248

- 1.—The Institution of an Archpriest - - - - 249
- 2.—Appointment of a Vicar-Apostolic - - - 268
- 3.—The Death of Father Persons - - - - 272
- 4.—English Benedictine Monks—Friars—College at Lisbon - - - - - 282

CHAP. LIV.

Charles the First—Preliminary Occurrences connected with the History of the English Catholics during his Reign - page 284
1625.

CHAP. LV.

Ecclesiastical Occurrences among the English Catholics during the reign of Charles the First—Bishops—Chapters—Exemptions of Regulars - - - - - 291

- 1.—Nature and extent of the powers of Bishops in *partibus infidelium*, with ordinary jurisdiction over catholics in other places - - - - - 292
- 2.—The right of Dr. Bishop and Dr. Smith to appoint a Chapter - - - - - 294
- 3.—The claims of the regular Clergy to Exemption from their episcopal Jurisdiction - - - 299
- 4.—Contest on Exemptions between Dr. Smith and the regular Clergy - - - - - 301

CHAP. LVI.

Missions of Father Leander a Sancto Martino, and Signor Gregorio Panzani, from the See of Rome into England 310
1634.

- 1.—Father Leander - - - - - 311
- 2.—Signor Panzani - - - - - 330

CHAP. LVII.

Attempts to establish an official intercourse between the See of Rome and the English Government - - - - - 362

CHAP. LVIII.

<i>The Puritans</i> - - - - -	page 369
1.—The origin of the Puritans - - - - -	371
2.—The principal points in difference between the Church of England and the Puritans - -	372
3.—Division of the English Puritans into Presbyterians, Independents and Baptists - - - - -	376
4.—The Act of Uniformity - - - - -	378
5.—The Court of High Commission - - - -	379
6.—The Conference at Hampton Court - - -	382

CHAP. LIX.

<i>The Persecution of the English Catholics during the reign of Charles the First</i> - - - - -	384
---	-----

CHAP. LX.

<i>The Civil War—Presbyterians—Independents</i> - - -	392
1641.	

CHAP. LXI.

<i>Condition of the English Catholics from the meeting of the Long Parliament till the end of the reign of Charles the First</i>	397
--	-----

CHAP. LXII.

<i>Loyalty of the English Catholics during the Civil War, and the Usurpation :—New profession by them of Allegiance and civil Principle condemned by Innocent the Tenth</i> - - - -	409
1647.	

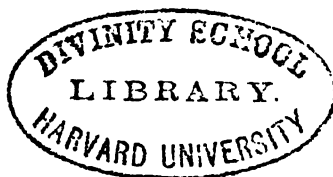
1.—Loyalty of the English Catholics - - - -	ib.
2.—New disclaimer of the deposing power condemned by the See of Rome - - - - -	413

CHAP. LXIII.

*Internal Occurrences among the English Catholics during the
reign of Charles the First* - - - - - page 419

1.—Proceedings of the Chapter on the death of bishop
Smith - - - - - 420

2.—Blackloism - - - - - 423



APPENDIX.

NOTE I. referred to in page 93.

*The Account of the Gunpowder Conspiracy transmitted by the
British Government to its foreign Ministers - - page 433*

NOTE II. referred to in page 176.

*On the Anonymous Letter respecting the Gunpowder Plot,
delivered to Lord Monteagle - - - - - 441*

NOTE III. referred to in page 319.

*Statement of the objections to the Oath prescribed to the Roman-
Catholics by James the First, and of the Answers to them 447*

HISTORICAL MEMOIRS
OF THE
ENGLISH CATHOLICS,
&c.
SINCE THE
REFORMATION.

CHAP. XXXV.

THE ARMADA.

CONDUCT OF THE ENGLISH CATHOLICS.

1588.

WE are now arrived at an event, which every Englishman surveys with exultation:—it was a trying circumstance to the English catholics; but even in the opinion of their adversaries, their conduct in it did them honour.

For a considerable time, Philip the second had been employed in making preparations for some enterprize, both by sea and land, of no common magnitude: towards the close of the year 1587, it became public, that the object of it was the invasion of England: troops from every part of Europe subject to the power or control of the

monarch, were assembled and kept in readiness for embarkation : and such a navy was formed as never before had its equal : the ostentation of the Spaniards, and, it may be added, the general opinion and voice of the continent, denominated it The invincible Armada. We shall lay before our readers, I. The bull of Sixtus Quintus, which it was intended to publish as soon as the Spanish troops should make good their landing ; and cardinal Allen's notification of it to the English catholics : II. His admonition to them : III. And their conduct.

XXXV. 1.

Bull of Sixtus Quintus.

RELIGION,—too often drawn, by politics, from the path prescribed to her by her Divine Founder, —was, on this occasion, too successfully invited by Philip the second to aid his ambitious projects. The celebrated Sixtus Quintus then filled the pontifical chair. Born in the lowest situation of life, he had raised himself to that commanding eminence, by his abilities. He filled it with dignity : but no pope either entertained higher notions of the prerogatives of the holy see, or enforced them with greater boldness. While the armada was almost ready to sail, he granted to Philip a bull, with directions for the publication of it as soon as the Spanish army should land in England : but cardinal Allen was ordered to notify, in the mean time, the contents of it to the English catholics. He did it by a small pamphlet intitled,

“ * The Declaration of the Sentence of Sixtus
“ Quintus.”

It begins with calling “the queen’s government
“ impious and unjust; herself an usurper, obstinate,
“ and impenitent, and so no good to be expected,
“ unless she should be deprived.

“ Therefore pope Sixtus the fifth, moved by his
“ own and his predecessors zeal, and the vehement
“ desire of some principal Englishmen, hath used
“ great diligence with divers princes, especially
“ with the Spanish king, to use all his force, that
“ she might be turned out of her dominions, and
“ her adherents punished. And all this for good
“ reasons.

“ Because, she is an heretic, schismatic, is ex-
“ communicated by former popes; is contumacious,
“ disobedient to the Roman bishop, and hath taken
“ to herself the ecclesiastical jurisdiction over the
“ souls of men.

“ Because she hath, against all law and right,
“ usurped the kingdom; seeing none must be
“ monarchs of England, but by the leave and
“ consent of the pope.

“ Because she hath committed many injuries,
“ extortions, and other wrongs against her subjects.

“ Because she hath stirred up seditions and
“ rebellions between the inhabitants of neighbour
“ countries.

* Thuanus, Hist: l. 89. Meteren, Hist. du Pays Bas, Haye, 1681, l. 15. Foulis, 2d edit. 350; Purchase’s Pilgrims, vol. x. c. 11.

“ Because she hath entertained fugitives and rebels of other nations.

“ Because she sent and procured the Turks to invade christendom.

“ Because she persecuted the English romanists, cut off the queen of Scots, and abolished the Roman religion.

“ Because she hath rejected and excluded the ancient nobility, and promoted to honour obscure people ; and also useth tyranny.

“ Wherefore, seeing these offences, some of them rendering her incapable of the kingdom, others unworthy to live ; his holiness, by the power of God and the apostles, reneweth the censures of Pius the fifth and Gregory the thirteenth against her ; excommunicates and deprives her of all royal dignity, titles, rights, and pretences to England and Ireland ; declares her illegitimate, and an usurper of the kingdoms, and absolves all her subjects from their obedience and oaths of allegiance due to her.

“ So he expressly commandeth all, under pain and penalty of God’s wrath, to yield her no obedience, aid, or favour whatsoever ; but to employ all their power against her, and to join themselves with the Spanish forces, who will not hurt the nation, nor alter their laws or privileges, only punish the wicked heretics.

“ Therefore, by those presents, he declares, that it is not only lawful, but commendable, to lay hands on the said usurper, and other her ad-

“herents; and for so doing, they shall be well rewarded.

“And lastly, to all these Roman assistants, is liberally granted a plenary indulgence and remission of all their sins.”

XXXV. 2.

Cardinal Allen's Admonition to the Nobility and People of England.

THE declaration of the sentence of Sixtus Quintus was accompanied by an admonition “addressed to the nobility and people of England:” this too was the production of cardinal Allen.

The following account of it is given by Fuller*;—it accords with extracts given of it by other authors †.

“1. The authors make their entrance into the discourse, with a most odious and shameful declamation against her majesty, stirring up her

* Fuller's Church History, cent. xvi. p. 196, s. 24.

† See “The important Considerations,” and “Quodlibets” of Watson:—these works are highly blameable for their virulence, and misrepresentations;—but they contain several curious and interesting facts and reflections, particularly on cardinal Allen's unfortunate conduct on this occasion, and several extracts from his “Admonition.”—Some extracts from it are also inserted in the late Mr. Andrews's Continuation of Dr. Henry's History.—Mr. Charles Plowden's fair extenuation of Allen's conduct and writings in his Answer to the Memoirs of Panzani, has been copied into these Memoirs. Historical truth is never to be violated,—even by concealment; but it is as much the duty of an historian to admit just extenuation, as it is to avoid unjust aggravation.

“ subjects hearts to contempt of her highness, as
“ being one odious to God and man.

“ They threaten the nobility, gentry, &c. with
“ loss of all their goods, their lands, their lives, and
“ with damnation besides ; except that presently,
“ upon the landing of the Spaniards, they joined
“ themselves, and all their forces, men, munition,
“ victuals, and whatsoever else they could make with
“ their catholic army. ‘ Forsooth,’ (for the words be
“ these), ‘ if you will avoid’ (say they), ‘ the pope’s,
“ the king’s, and other princes’ high indignation,
“ let no man, of what degree soever, abet, aid, de-
“ fend, or acknowledge her, &c. adding that other-
“ wise, they should incur the angels’ curse and
“ malediction, and be as deeply excommunicated
“ as any, because that in taking her majesty’s part,
“ they should fight against God, against their law-
“ ful king, against their country, and that notwith-
“ standing all they should do, they should but
“ defend her highness bootless, to their own present
“ destruction, and eternal shame.’

“ 2. After all those, and many other such threats,
“ in a high and military style, to scare fools with,
“ then they come to some more mild persuasions,
“ and promise the noblemen, that so they join with
“ the duke of Parma upon the receipt of their ad-
“ monition, they will entreat that their whole houses
“ shall not perish. For persons did instigate the
“ English cardinal to swear by his honour, and on
“ the word of a cardinal, that in the fury of their
“ intended massacre, there should as great care
“ be taken of every catholic and penitent person,

“ as possibly could be, and that he was made a
“ cardinal of purpose to be sent then into England
“ for the sweet managing of those affairs.

“ 3. Other arguments they used, drawn from the
“ certainty of the victory, as that all the protestants
“ would either turn their coats, copies, arms, or fly
“ away, in fear and torment of the angel of God
“ prosecuting them ; that although none of her
“ majesty’s subjects should assist the Spaniards, yet
“ their own forces, which they brought with them,
“ were strong enough, their provision sufficient,
“ their appointment so surpassing : that they had
“ more expert captains, than her majesty had good
“ soldiers, all resolute to be in the cause, which
“ they had undertaken : that the blood of all the
“ blessed bishops shed in this land, and all the saints
“ in heaven prayed for the Spaniards victory : that
“ all the virtuous priests of our country, both at
“ home and abroad, had stretched forth their sacred
“ hands to the same end : that many priests were
“ in the camp to serve every spiritual man’s neces-
“ sity : that their forces were guarded with all
“ God’s holy angels ; with Christ himself in the
“ sovereign sacrament, and with the daily most holy
“ oblation, of Christ’s own dear body and blood :
“ that the Spaniards being thus assisted with so
“ many helps, though they had been never so few,
“ they could not lose, and that her majesty and
“ her assistants wanting these helps, although they
“ were never so fierce, never so proud, never so
“ many, never so well appointed, yet they could

“ not prevail. Fear you not, (say they to such as “ would take their part), they cannot.”

The general mildness of Allen's character, and general wisdom and moderation of his councils, were admitted by his contemporaries, as well protestant as catholic. On this occasion, to repeat words which we have already used, he permitted his better reason to submit to authority. But notwithstanding the great and habitual reverence of the catholics for his talents and his virtues, so little did they defer to his admonition, that Wright, a priest of his own college at Douay, maintained the contrary doctrine in the most explicit terms, and supported it by the boldest arguments*.

It should be observed, that from the writings of father Persons, it appears, that he quitted Madrid in 1585, soon after the preparations for the armada begun; and did not return to Madrid till 1589, the year after its defeat.

XXXV. 3.

Conduct of the English Catholics during the threatened Invasion.

SUCH was the information, such the advice given at this time to the English catholics, by persons, from whom, if they had been influenced by the true spirit of the gospel, or had even juster notions of the real interests of the English catholics, very different counsel would have been received: it now remains to show how the catholics acted.

* Strype, Annals, vol. iii. App. lxxv.

Warmly attached to their faith, which had twice rescued their country from paganism ; and under which, during a long series of centuries their ancestors had enjoyed every spiritual and temporal blessing ; they now beheld it proscribed ; its tenets reviled, its sacred institutions abolished, its holy edifices levelled with the ground, its altars profaned ; all, who professed it, groaning under the severest inflictions of religious persecution ; imaginary plots incessantly imputed to them ; the subtlest artifices used to draw them into criminal attempts ; “ counterfeit letters *, privately left in their houses ; “ spies sent up and down the country to notice “ their discourses, and lay hold of their words ; “ informers and reporters of idle stories against “ them countenanced and credited ;” and even “ innocence itself,” (to use Camden’s own words), “ though accompanied by prudence, no guard to “ them :” they had constantly before their eyes the racks and gibbets, by which their priests had suffered, and they saw other racks, and other gibbets, preparing for them ; they saw the presumptive heir to the crown brought to the block, because she was of their religion, and because, as she was formally told by lord Buckhurst, “ the established “ religion was thought not to be secure whilst she “ was in being ;” they knew the universal indignation which this enormity had raised in every part of Europe against their remorseless persecutor ; that St. Pius the fifth, the supreme head of their church, had excommunicated her, had deposed her, had

* Carte’s History, vol. iii. p. 585.

absolved them from their allegiance to her, and implicated them in her excommunication, if they continued true to her; they knew that Sixtus, the reigning pope, had renewed the excommunication, had called on every catholic prince to execute the sentence, and that Philip the second, by far the most powerful monarch of the time, had undertaken it; had lined the shores of the continent with troops, ready at a moment's notice, for the invasion of England, and had covered the sea with an armament, which was proclaimed to be invincible:—in this awful moment, when England stood in need of all her strength, and the slightest diversion of any part of it might have proved fatal, the worth of a catholic's conscientious loyalty was fully shown. What catholic in England did not do his duty? Who of them forgot his allegiance to the queen? or was not eager to sacrifice his life and his whole fortune in her cause? “Some,” says Hume, “equipped ships at their own charge, and gave the command of them to protestants; others were active in animating their tenants, and their vassals, and neighbours, in defence of their country;”—“some,” (says the writer of an intercepted letter printed in the second volume of the Harleian Miscellany *, “by their letters to the council, signed with their own hand, offered, that they would make adventures of their own lives in defence of the queen, whom they named their undoubted sovereign lady, and queen, against all foreign foes, though they were sent from the

“ pope, or at his commandment ; yea, some did “ offer that they would present their bodies in the “ foremost ranks.” Lord Montagu, a zealous catholic, and the only temporal peer, who ventured to oppose the act for the queen’s supremacy, in the first year of her reign, brought a band of horsemen to Tilbury, commanded by himself, his son, and his grandson : thus periling his whole house in the expected conflict * :—the annals of the world do not present a more glorious or a more affecting spectacle than the zeal shown on this memorable occasion, by the poor and persecuted, but loyal, but honourable catholics !—Nor should it be forgotten, that in this account of their loyalty, all historians are agreed.

Will not then the reader feel some indignation when he is informed, that this exemplary, may it not be called heroic, conduct, procured no relaxation of the laws against the catholics ? That it was followed almost immediately by laws, still more harsh than the preceding ? That through the whole remainder of the reign of Elizabeth, the laws against the catholics continued to be executed with unabated, and even with increased rigour ?—That between the defeat of the armada, and the death of Elizabeth, more than one hundred catholics were hanged and embowelled,—merely, we must repeat,—for the exercise of their religion : and that, when some catholics presented to the queen a most dutiful and loyal address, praying, in the most humble terms, a mitigation of the laws against them, no

* Osborn’s Secret History, edit. 1811, p. 22.

other attention was shown it, than that Mr. Shelley, by whom it was presented to the queen, "for presenting," as it was said, "to present an address to the queen, without the knowledge and consent of the lords of the council," was sent to the Marshalsea *, and kept a close prisoner till his death.

Surely, when he peruses this treatment of the catholics, the reader must feel some indignation. But, will not he himself justly excite something of a like indignation, if, after seeing the loyalty of the catholics thus so severely tried, and thus found so eminently pure, he returns to his former prejudices, and allows himself to entertain, even for a moment, a suspicion of their perfect loyalty to their sovereign, throughout the whole of her long, her splendid, but certainly in respect to her catholic subjects, —(and we must repeat that they constituted two-thirds of the nation),—her cruel and oppressive reign?

The nature of these pages does not require any particular mention of the events, which attended the Spanish invasion : the same presence of mind

* He was afterwards examined before the lords of the council:—they put down in writing the following position, and ordered him to subscribe it in writing, "Whosoever, being a born subject of the realm, doth allow, that the pope hath any authority to deprive queen Elizabeth, that now is, of her estate and crown, is a traitor."—To this, he answered, "that it was very hard for him to discuss, what authority the pope hath, and therefore could answer no further."—Upon this he was remanded.—Dr. Challoner's *Memoirs of Missionary Priests*, p. 169. Strype, *Ann.* vol. iii. p. 298.

and dexterity, the same firm and adventurous courage, which the English had shown on the plains of Cressy, Poitiers, and Agincourt, were displayed by them against the Spanish armada. In one respect their conduct may be considered to be entitled to a larger share of admiration: the French and English soldiers had often been opposed to each other, before they met in the battles we have mentioned, so that the array of each army was fully known to the other: but, in the conflict in the Channel, the lofty masts, the swelling sails, the towering prows of the Spanish galleons, as they are described by the historians of the time, presented, at once, a new and a terrific spectacle; and were, from the very circumstance of their novelty, the more likely to shake the most valiant bosom with alarm. The English, however, surveyed them with intrepid minds; there was no precaution, no art, no manœuvre, which skill or experience could suggest, or reflection combine, which they did not coolly and deliberately use; no advantage presented itself, of which they did not avail themselves with the utmost presence of mind; and when the hour of action came, there was not a danger which they did not brave, or an achievement, within the limits of human skill or human valour, which they did not accomplish*. To find a

* This immortal victory was celebrated by no immortal verse: every classical English scholar of the time must have applied to it, 'the noble strains by which Æschylus describes, in his *Persæ*, the glory of the Greeks, and the consternation of the Persians, after the battle of Salamis.

victory, of equal glory and importance to the British nation, we must travel to Waterloo :—catholics too were there.

CHAP. XXXVI.

THE POLITICS OF SOME OF THE ENGLISH CATHOLIC FUGITIVES, IN THE SPANISH DOMINIONS :—PUBLICATIONS OF THEIR SCHOOL :—THE QUEEN'S PROCLAMATION,—THE REPLY OF FATHER PERSONS :—THE PENAL ACT AGAINST THE CATHOLICS OF THE THIRTY-FIFTH YEAR OF HER MAJESTY.

1594.

THE proscription of the catholic religion by queen Elizabeth, her severe laws against such of her subjects as adhered to it, and the increasing rigour by which they were executed, had occasioned a number of them to emigrate to different parts of the continent, particularly Spain and Spanish Flanders. They were favourably received by Philip the second : he professed to treat them with kindness ; he employed many in his armies, granted pensions to others, and advanced some to places of rank and honour. His protection of them, his liberality to the catholic colleges, and his avowed zeal for the general welfare and extension of the catholic religion, attached all the fugitives to him : still, while Mary the queen of Scots was living, their connection with him was very loose :

but, after her death, many of the fugitives entertained views, and engaged in designs, in his regard, which could not be justified ; and which were disapproved by the wiser and better part of them, and by the general body of catholics in England. The abettors of Philip's views became known by the appellation of the Spanish party: we have referred to it in a former volume of this work. I. We shall now attempt to give a fuller account of it: II. Then mention some publications of this party, which made a great sensation at that time: III. Then notice the proceedings of the British government: IV. And father Persons's defence of himself, and of the catholic body in general: V. We shall close the chapter by the mention of two acts which were passed against the catholics in the thirty-fifth year of the reign of her majesty, and completed her penal code.

XXXVI. 1.

The Spanish Party among the English Catholic Fugitives.

FATHER Persons, sir Francis Englefield, and sir William Stanley, were at the head of the Spanish party; Mr. Charles Paget was at the head of a party opposed to them. A letter from sir Henry Neville to Mr. secretary Cecil, published in Winwood's *Memorials**, contains a curious account of this circumstance. "I have saught," says the writer, "to inform myself as much as I might, concerning the carriage of the English fugitives in former

* Vol. i. p. 51.—It is from Paris, dated the 27th June 1599.

“ times, and the cause of their retiring hither * ;
 “ and I find that there has grown great dissention
 “ between our papists abroad, and that they have
 “ been divided into two factions, the one depend-
 “ ing upon the jesuits, whereof Persons is now the
 “ head, whose courses have been violent to seek
 “ and wish the overthrow of the present estate, by
 “ conquest or any other means ; the other consists
 “ chiefly of the laymen and gentlemen which are
 “ abroad, whereof Charles Paget † hath bin the

* Paris.

† “ The strongest opposition which Dr. Allen, Persons,
 “ and their friends, experienced, arose from Mr. Paget, who
 “ has just been mentioned ; and I find the original cause of this
 “ gentleman’s alienation assigned in a writing of Persons,
 “ which is also confirmed by an ancient Italian ms. now in
 “ my possession. Mr. Paget living in Paris, became ac-
 “ quainted with Morgan, a native of Wales, who, while he
 “ was in the service of the earl of Shrewsbury, had obtained
 “ the confidence of the captive queen of Scotland. They
 “ were both connected in friendship with her two secretaries,
 “ Nau and Curle ; and, as Persons says, opposing themselves
 “ secretly against the archbishop of Glasgow, ambassador for
 “ the queen, they broke his credit much with the said queen,
 “ and wrung from him in time the administration of the queen’s
 “ dowry in France, which was some thirty thousand crowns
 “ a year ; by which they were able to pleasure much their
 “ friends, and hinder their adversaries : and then joining
 “ themselves with Dr. Lewis in Rome, and falling out with
 “ Dr. Allen and F. Persons, they were the cause of much
 “ division among catholics, which hitherto hath endured.
 “ Now it happened, that, on the return of the jesuit Creighton
 “ from Scotland to Paris, a consultation was held on the
 “ concerns of the young king of Scotland, and his captive
 “ mother, by the bishop of Bergamo, nuncio at the French
 “ court, the archbishop of Glasgow, the Spanish ambassador

“chiefe; who could not be brought, as they pretend, to consent, or concur, to the invasion and conquest of our kingdom by a foraine prince.

“and the duke of Guise; and, to this consultation, Dr. Allen and Claude Matthieu, provincial of the French jesuits, were introduced. The archbishop of Glasgow would not admit Paget to be invited to it; and this omission was deemed by him an unpardonable affront. The result of the consultation was, that Creighton should be dispatched to Rome, and Persons to Madrid, to solicit, at those courts, relief for the young king; and it was upon this occasion, that the latter procured for him an annual allowance of twelve thousand crowns, besides a donation for the seminary at Rheims, and moreover established a credit at the Spanish court, of which he afterwards availed himself, for the foundation of his seminaries. Paget and Morgan, already irritated that the business had been concealed from them, were still more angered, to see the management of it entrusted to two jesuits. The truth was, says my ms. that the archbishop and the duke of Guise mistrusted these two gentlemen, believing that they held secret correspondence with the English ministry; while the captive queen, contrary to their advice, corresponded with them by means of her two secretaries; and thus seemed to withdraw her confidence from the duke and archbishop, who justly thought themselves her best friends. Hence Paget, Morgan, the two secretaries, and a few others connected with them, inveighed bitterly against the priests, especially Dr. Allen, and they strongly insisted, that neither he, nor any other clergyman or religious, but only secular gentlemen, ought to manage the affairs of the Scottish queen, and other matters of public concern, in the courts of catholic princes. From this time, they stood in open opposition to whatever Allen or Persons undertook; they seemed to take a delight in disappointing them.” Remarks on a book, intituled, “Memoirs of Gregorio Panzani,” p. 105.—See also Hume, ch. xlii: and particularly the notes x and y.

“ This division began amongst them, soon after
“ the death of the queen of Scots, upon whom they
“ did all concur while she lived ; but since her
“ death, could never agree upon any one course,
“ eyther of conquest or proposed title. And this
“ contention hath proceeded unto great heat be-
“ tween them, insomuch as either side hath la-
“ boured to supplant and disgrace the other ; but
“ especially of late, since the title of the infanta of
“ Spaine hath bin sett on foot, according to the
“ books written by Persons under one Doleman’s
“ name. For the jesuite’s side promoting that title
“ by all means, and taking a violent course to
“ urge all Englishmen, either in Spain or Rome,
“ or where else they may prevail with them, to
“ subscribe thereunto ; Paget and his side have
“ directly opposed themselves, both by word and
“ writing, as I am informed ; and they are so di-
“ vided thereupon, as there is an extreme hatred
“ grown between them : insomuch, as these men
“ do openly inveigh against Persons and his ad-
“ herents, as men seditious and factious, full of
“ treachery, and without conscience. And being
“ questioned with, by such as I appointed to confer
“ with them, to know what service they would or
“ could do to her majesty, to cancell their former
“ faults ; they propose this as the chief and prin-
“ cipal, that they shall be able so to discover these
“ practices, and decipher not only to her majesty,
“ but to the papists of England, (who now, through
“ ignorance of their intentions, believe too much
“ upon them), as should work a general dislike

“ and detestation of them, and take away that credit which now they have, and daily employ, to the danger of her majestie’s estate. Being urged to give some present teste of their loyal affection to her majesty, which they so greatly pretend, thereby the better to incline her majesty to some compassion or regard for them; they only discover thus much in generality, that there are great numbers of jesuits and priests now in England, and one of them sayeth, at the least six hundred, which have their diet and maintenance in certain houses by turns. Their ordinary way of repaying thither is through Scotland, and so into the north parts. They also accuse some officers of the ports, and namely, those of Gravesend, for suffering too free passage out of England; whence there come daily young men over, which are presently conveyed to the colleges at Douay, or Rome, and from thence some of them, against their wills, into Spain; and many forced to profess themselves of some order or other, when they meant it not. They also think, that this subscription before mentioned, is laboured in England, by those jesuits and priests that are there. But being pressed to some more particular discovery, their answer is, they will reserve that, till they see what hope there is of obtaining their suit: and Paget sayeth, he had almost been undone by some advertisements he wrote over out of the Low Countries, which makes him very wary not to bereave himself of all means of living on this side the sea with safety, till he may be assured of a safe retreat there.

“ There is also in this towne, one Cecill a priest, who professeth the same intention and desire with them; and the like they affirm to be in almost all the English gentlemen in the Low Countries, except sir William Stanley, and Owen, and some three or four more.”

XXXVI. 2.

Circumstances attending the Spanish Party:—two Publications of their School.

THE earl of Leicester had appointed sir William Stanley governor of the town of Daventer: sir William betrayed the town to count Taxis the Spanish general; and, for his reward, was appointed governor of it by the king of Spain. This circumstance excited great indignation in England. To defend it, cardinal Allen published his “ Letter on the reddition of Daventer.” He asserted in it, that “ the wars of the English in the Low Countries were sacrilegious, the wars of an heretical prince;” that “ acts done in England since the excommunication of the queen, and her deposition by Pius, were evil, therefore she could denounce no war, nor could any of her subjects serve her, as she was a rebel to the apostolic see.” He expresses “ a wish that the example of sir William might be generally imitated.” This publication gave great offence*.

Allen was naturally mild, and a lover of peaceful

* Sir William Stanley’s conduct was also justified by father Persons, in his “ Manifestation,” (ch. iv.), a publication which we shall afterwards notice.

councils ; but felt strongly for the sufferings of his catholic brethren ; he could not be otherwise than grateful to Philip the second, for his munificence both to him and those under his care : the college, which he had founded, depended greatly on the bounty of that monarch, and he was the principal support of other catholic establishments, in which Allen took great interest. This placed Allen in a state of dependence on Philip ; Persons also, the soul of the Spanish party, had great weight with Allen. These circumstances probably influenced him on this and other occasions ; sometimes, perhaps, against his own opinion and better judgment. The authors of the *Biographia Britannica* intimate that, towards the close of his life, he altered his sentiments, and was far from being an enemy either to his country or to queen Elizabeth*.

* Some of Allen's contemporaries assert, that Persons had too great an ascendancy over him, and lament the circumstances : they assert also, that before his death Allen thought less favourably than he had done, both of Persons and the society to which Persons belonged ; but for this, the writer has discovered little evidence. More says, in his *History*, (p. 162), that " the establishment of the college at St. Omers, " in the eyes of Allen and Barrett, the president of the college " at Douay, did not please them ; they thought it like to " draw the scholars and collections designed for Douay college, and more like to empty than to serve that establishment." Watson, (*Quodlibets*, 79, 80, 98), mentions that, " in those days,"—meaning the latter part of the life of Allen,—" the jesuits represented the cardinal as their enemy ; that " he had heard Allen much complain of the jesuits' heady " and indiscrete government, and say their government was " naught ; and that they never would mend it, for they would

The other publication, which our subject now leads us to mention, was attributed to father Persons. It is intituled, "A Conference about the "next Succession to the Crown of England, had "in the year 1593, by R. Doleman." It turns on these positions ;—that the claim of succession to any government, by nearness of blood, is not established by the law of nature, or by the divine law, but only by the human and positive laws of every particular commonwealth ; and consequently may, upon just causes, be varied ;—that this is clear from history :—that the want of the true religion is a just cause for excluding the heir apparent ;—and that, under all circumstances, the infanta of Spain had the fairest pretensions to succeed queen Elizabeth in the throne of England. Every true whig must admire Doleman's discussions of the first point ;—every man of learning, and every antiquary, must be pleased with his discussion of the second : the king of Spain could not have rewarded, too munificently, his discussions of the third and fourth.

This work has been attributed to cardinal Allen,

"not hear advice ; that while he lived, he would keep them "all down, but that, after he was dead, we should see the "scholars and they at woeful dissensions ; that the cardinal, " (who had by father Persons and other jesuits been drawn "to some odious attempts against his sovereign and country, "by withdrawing himself from those attempts), incurred the "hatred of the jesuits to that degree, that they spoke with "contempt of him ever after."—But Watson's testimony must always be heard with distrust. The same, however, is said by Dr. Champney, (Dialogue 65, 66, 78, 79).

air Francis Englefield, and father Persons : the fact seems to be, that all had some hand in it, but that Persons almost always held the pen* : he was so

* See the "Answer to Memoirs of Panzani," p. 152 :—and Persons's "Manifestation of the great folly and bad spirit of "certain persons in England calling themselves Secular "Priests," ch. v. It mentions Doleman's work with affection. Persons exultingly proclaims, (Brief Apology, p. 187), that his envious brethren could not turn their hands to any one thing contained in it; and in the "Manifestation," (p. 63, 64), he gives an abridgment of it. He says, that the name of Doleman was taken by the author in the title-page, as being the work of a man of *dole*, that is, of *sorrow*, (p. 5).—The Manifestation is written with too much bitterness; contains many hazarded accusations; and is particularly unjust to the secular clergy, in charging upon the whole body the "Important Considerations and Quodlibets of Watson;" which we have noticed before, and shall notice again. Persons himself afterwards did justice to the secular clergy. In his "Doleful Knell of Thomas Bell, 8vo. 1627, (p. 35)," he says, "that not three or two names of the secular clergy can be produced, that ever let forward, yea or ever liked that most detestable proceeding, viz. of publishing the Quodlibets, "Important Considerations, and other things of Watson."—It is observable, that, in this publication, father Persons avows, in its fullest extent, the doctrine that sovereigns forfeit their right to the allegiance of their subjects, and that subjects forfeit their right of inheritance by heresy. He cites (ch. iv.) a work in which he was charged with having said, that "difference in religion or matters of faith neither ought nor could by the law of God, of nature, of nations, or custom ever heard of, in any nation, deprive any inferior subject, (much less any sovereign), from the right of inheritance or lawful succession by birth or blood to any thing they had a right to otherwise." This, he says, is a vile calumny. He declares that, "he never said such a thing, that the doctrine ascribed to him, he detests as fond, absurd, and tasting both

partial to it, that he proposed it to be read in the refectory of the English at Rome instead of the ordinary lecture*.

Another curious work of father Persons,—not published in his life-time,—was committed by him to paper about this time. It is intituled, “A Memorial for Reformation, &c. containing certain notes and advertisements, &c. gathered and set down by R. P. 1596.”—In his “Manifestation,” he mentions that, “having had occasion, above others, for more than twenty years, not only to know the state of matters in England, but also of many foreign nations and catholic kingdoms abroad, he had used like diligence from time to time to observe and note to himself certain excellent things found in other places, which were not so much in use among those in England,—nor when it was catholic: which observations, he having imparted some time with certain confident friends, they seemed to them of so great importance, that from time to time, they entreated him earnestly to put them, at least in writing for himself and others after him, to public good, when time might serve to use them, if then he would of heresy and atheism; (*though allowed here as it seemeth by our people*);—he being not ignorant that both civil laws and church canons do deprive heretics of inheritance as our men ought to know also.”—We shall transcribe his sentiments more at large in another part of this chapter;—but it is observable, that what he inserts in a parenthesis, seems to intimate that his opinion, far from being universal, was not ever general among the English catholics. . .

* More, 161.

"not make them common, as he signified in no wise he would.

"This, he accordingly did ; but it was never set out or published, but was kept in secret to the author and his nearest friends only." The existence of it, however, was generally known : and there was great misconception of its general nature and tendency. On this account, Persons inserted a summary of the work in his "Manifestation."

Some time after the accession of James the second, a copy of it was presented to that monarch. After the revolution it fell into the hands of the bishop of St. Asaph ; and great curiosity to see it, was raised by a mention which the bishop made of it in a sermon. It was accordingly published by Dr. Gee, a chaplain of their majesties, under the title of "The Jesuits' Memorial for the intended Reformation of England, under the first popish Prince, published from the copy that was presented to the late king James. 1690; 8vo." It is the work of a vigorous and reflecting mind ; but certainly contains exceptionable passages : the contents of it accord with the outline, which, in his "Manifestation," Persons himself had given of it.

XXXVI. 3.

Proclamation in the thirty-fifth year of Queen Elizabeth.

THE circumstances and publications, which we have noticed, excited no small alarm in the queen and her government : it was considerably increased

by a report, that great preparations were again making by Philip for the invasion of England or Ireland.—In this state of ferment, the queen issued a proclamation, which was immediately followed by commissions of inquiry very hostile to the catholics.

The proclamation begins by expressing “the surprise of her majesty, that at so advanced a period of her reign as its thirty-third year, its peace should be disturbed by the king of Spain,—he too in the decline of life,—an age meetest, as she says, for measures of peace. He had caused a Milanese, a vassal of his own, to be elected pope, and the duke of Parma, a nephew of the pope, to be sent with an army to invade France,—He had also practised with certain seditious heads to collect a multitude of young men, fugitives, rebels, and traitors, to be secretly conveyed into her dominions, with ample authority, from Rome, to persuade as many of her subjects as they dared deal with, to renounce their natural allegiance; and to entertain hopes of being enriched with the possessions and dignities of her subjects, by the means of a Spanish invasion: for which purpose, they allured the subjects of her majesty, by oaths and even by sacraments, to forswear their allegiance to her, and yield allegiance with all their power to Spain.

“These seedsmen of treason,” as they are termed in the proclamation, “bring bulls from the pope, full of promises and threats: but these proceedings have been punished and restrained by the

“ execution of the laws against such traitors, — for,” says the proclamation, “ they have been punished for mere treason ; and not for any points of religion. This is said to be shown by their arraignment, by the circumstance that many men of wealth, professing contrary religion, were not impeached for the same, either in lives, lands, goods, or liberty, except a small pecuniary mulct for not going to church.

“ The heads of the seminaries,” continues the proclamation, “ have assured the king of Spain, that, notwithstanding his former ill success, yet, if he would renew the war, in the next year, multitudes would assist the invaders : this, a schoolman named Persons, arrogating to himself the name of the catholic king’s confessor ; this, another scholar, named Allen, now for treason honoured with a cardinal’s cap, assure them ; and this, and other traitorous enterprizes, a multitude of jesuits and missionary priests newly landed, and lurking in different parts of England, but chiefly in maritime places, encourage and strive to promote.

“ These impudent assertions,” to use the words of the proclamation, “ though they know them to be false, the persons mentioned continually make to the pope and the king of Spain ; and they have lately sent advice to their confederates in England, that the king had, upon their informations and reports, promised to employ all his forces, to attempt an invasion of England the next year.

“ Wherefore her majesty declares it to be her
“ duty, as being the supreme governor, under the
“ Almighty Hand, to use all just and reasonable
“ means given to her, to concur with heaven in
“ frustrating these designs,—and for that purpose
“ to increase her forces to the utmost of her power,
“ and by the execution of the laws and other public
“ ordinances, to impeach the practice of these sedi-
“ tions and treasons.

She then “ requires all ecclesiastical persons to
“ draw down the blessing of heaven on the king-
“ dom, by prayer and the diligent discharge of
“ their functions,—and calls on all her subjects to
“ unite in defence of their natural country, their
“ wives, families, children, lands, goods, liberties,
“ and posterities, against these ravening strangers,
“ wilful destroyers of their native country, and
“ monstrous traitors.

“ Further,—to provide a remedy against these
“ seminary priests and jesuits, her majesty an-
“ nounces her resolution to appoint, in every county,
“ commissioners to search for and discover persons
“ guilty, or suspected of being guilty, of such trai-
“ torous practices :—and, for that purpose, to ex-
“ amine all persons of their household, or lodgers
“ or boarders with them, during the year ending
“ on the preceding March ; and particularly, whe-
“ ther they attended the divine service, established
“ by law, and to commit the result to writing, in
“ the nature of a register or calendar, to be pro-
“ ducible, when demanded. Threats are held out
“ against persons refusing to obey these injunc-

“ tions ; and informers against them are invited
“ and encouraged.”

Such is the tenor of the proclamations :—commissions were immediately issued, and articles annexed as an instruction to the commissioners how to execute them. They direct the commissioners to inquire after recusants and suspected recusants ; to have calendars made of them, and to examine them ; but to abstain from other inquiries into matters of conscience.

They were to inquire of all persons upon oath, whether they had been moved by any, and by whom, to join or adhere to the forces of the pope or king of Spain, when they should invade the land ; and to inquire, but not upon oath, of all persons suspected of being priests, seminarists, or fugitives, whether, within the last five years, they had been at Rome, Rheims, or in Spain ; whether they were priests or jesuits ; when they were last sent from any of them, and for what end.

XXXVI. 4.

The Reply of father Persons.

To this proclamation of queen Elizabeth, father Persons opposed a Latin reply : it is said to have been written by him in the English language, and to have been translated into Latin by father Creswell : it may be considered a recriminating manifesto of Persons and all the English catholic fugitives, who adhered to the Spanish party. We have seen that the proclamation was issued in November 1591, the reply was published early in

the ensuing year: it is intituled, "The Proclamation of Elizabeth queen of England, the defender of the Calvinian Heresy, against the Catholics of her Dominions; and containing most unworthy abuse of other princes of the christian republic. Published at London on the 29th of November 1591. With an answer to it, under every head: In which not only the barbarity and impiety of the wicked edict, but its lies, deceits, and impostures, are detected and confuted. By Andrew Philopater, a Roman priest and divine, a native of England. Revelations, ch. xvii. 6. And I saw a woman drunk with the blood of the saints and the blood of the martyrs of Jesus. Augsburg, with the permission of superiors, 1592*."

Persons divides his reply into seven heads. He first attacks the title of the proclamation:—It is styled a proclamation of the queen; but no one,

* *Elizabethæ Angliæ reginæ, Hæresim Calvinianam propugnantis, in catholicos sui regni edictum, quod in alios quoque reipublicæ christianæ principes contumelias continet indignissimas. Promulgatum Londini 29 November 1591. Cum responsione ad singula capita: quæ non tantum sævitia, et impietas tam iniqui edicti, sed mendacia quoque et fraudes ac imposturæ, deteguntur et confutantur. Per D. Andreæ Philopatrum, presbyterum ac theologum Romanum, ex Angliis olim oriundum. Apocal. 17, v. 6. Et vidi mulierem ebriam de sanguine sanctorum, et de sanguine martyrum Jesu. Augustæ, cum permissu superiorum, 1592, 8vo.*—Father Persons, in his "Apology," (P. 48 b,) says he went to Madrid, in the beginning of 1589; that father Creswell also was called from Rome, into Spain, for assisting the college and common cause there:—and that their joint labours brought forth a tart answer to queen Elizabeth's edict, which was published in the year following.

says Persons, is so ignorant in English concerns, as not to be aware that it does not so much proceed from the queen's own inclination, which leads her to wish no more than to pass her days peaceably and pleasantly, undisturbed by religion and religious hatred, as extorted from her by the artifices and importunity of those, who surround her;—by five persons in particular;—all of them sprung from the earth,—Bacon, Cecil, Dudley, Hatton, and Walsingham;—these he therefore thinks it proper to describe.

He says, that sir Nicholas Bacon, the keeper of the great seal, was of the lowest extraction: his father was a shepherd and cattle driver; he himself was, for some time, under-butler in Gray's-inn. Possessing an acute genius, he acquired a great knowledge of the law. Luxurious and groveling in his habits, a partisan of heresy, averse from the catholic religion, but without knowledge of the subjects in controversy, and without any other object, than the acquisition of wealth and honours, and the means of satisfying his sensual appetites, he joined hands with Cecil, and each assisted the other in the prosecution of his views.

Dudley, he says, was a greater personal favourite with the queen than either Cecil or Hatton: he was a son of a duke, and grandson of an esquire, but great grandson of a carpenter: his beauty recommended him to the queen, his address confirmed him in her favour:—England never knew a man more flagitious, a tyrant more insolent; never had the catholics a more bitter enemy:

volumes, both in the French and the English language, have exposed his debaucheries, his adulteries, his homicides, his parricides, his thefts, his rapines, his perjuries, his oppressions of the poor, his cruelties, his deceitfulness, and the injuries he did to the catholic religion, to the public, and to private families. He was successively created baron Denbigh, earl of Leicester, and raised to the dignity of master of the horse to the queen, and to the command of her forces in Holland.

While he lived, sir Francis Walsingham, a man of a decent family, of a saturnine disposition, of indefatigable industry, and greatly attached to the Calvinists, was his confidential agent, particularly in every thing that related to the roman-catholics or the queen's practices in foreign countries. Being advanced to the rank of secretary of state, it was his business to inform her of what passed in parliament, and of all foreign transactions. For this, he employed a multitude of spies both at home and abroad,—and entered into these concerns with so much ardour, that he consumed his own private fortune upon them, and died in debt.

Sir Christopher Hatton was of a good family, and attracted the notice of the queen by his comeliness and elegance: by degrees he advanced himself so much in her favour, as to be created chancellor. He was supposed to be averse from the persecution of the catholics, and was certainly disliked by the puritans. His favour was always on the increase; yet, though he strongly desired it, the queen would never allow him to marry.

But Cecil is the hero of the tale : his father, says Persons, was in a low employment under the king's taylor ; his grandfather was one of the king's body guard, and kept an ale-house in Stamford. Somehow he became a student at Cambridge, and obtained a place in the family of the protector Somerset ; and, by betraying him, acquired the favour of the earl of Warwick, afterwards created duke of Northumberland. This nobleman recommended Cecil to Edward the sixth, who made him secretary of state. Under Mary, he affected great zeal for religion, and always had his beads in his hands. He was favoured by cardinal Pole ; but Mary always distrusted him ; upon this, he insinuated himself into the favour of Elizabeth ; and was one of the principal advisers of her measures in favour of the protestant religion.

These men, and the followers of their principles, not the queen, are to be considered the real authors of the proclamation.—Here Persons mentions sir Walter Raleigh and his supposed school of atheism. If, on the death of Leicester and Hatton, sir Walter had succeeded, as had been generally expected, to their favour with the queen, a different proclamation might have been expected : infidelity and epicureism might have been proposed, and the opposers of pleasure declared guilty of high treason.

But does she declare the proclamation to be her own ? Then, says Persons, I oppose to her every king and every queen who filled the throne of England before the reformation ; every great and every good man, who flourished in their reigns : I oppose

to Elizabeth her own father, who put Cromwell to death, and threatened Katharine, the last of his wives, with it, because they were suspected of heresy. Their example she rejects, and prefers an imitation of the Domitians, the Maximinians, and the Dioclesians. "But these," says Persons, "opposed the christian religion, as new and of recent birth; as a religion, which contradicted the ancient national worship of their gods. But, when Elizabeth persecutes the catholics, she persecutes the religion which England embraced on her conversion from paganism; the religion of all her ancestors; the religion, in which she was born, brought up, and educated; the religion, which she had professed at her baptism, which she had repeatedly avowed in the strongest language; and to the defence of which, she, in the most solemn words, had, at her coronation, (however perfidiously), bound herself by oath."

Adverting to the passage in the beginning of the proclamation, in which Elizabeth mentions her hard lot, not to be suffered to remain in peace, even at the close of her life; "If thou, Elizabeth," says Persons, "treading in the steps of thy most illustrious ancestors, hadst preserved England in the state in which thou didst find it; if, conforming to the institutions of its former sovereigns, thou hadst maintained, as thou didst swear to do, the catholic religion; if thou hadst administered justice according to the most ancient laws of the kingdom; if, like thine ancestors, thou hadst been faithful to thy treaties with foreign princes;

“ if, by legitimate offspring of thine own marriage,
“ or by any other means, thou hadst rendered the
“ succession to the crown, clear, certain, and free
“ of doubt,—thou wouldst now have reigned in
“ the greatest happiness and security; and thou
“ wouldst not now, in the thirty-third year of thy
“ reign, have had to complain of its being neces-
“ sary to labour so hard to avert the dangers,
“ which at once threaten thy life and the public
“ weal.—But, acting in a manner directly contrary,
“ —as thou hast persecuted the church of God,
“ overturned religion, contemned the customs and
“ laws of thine ancestors, insulted and injured the
“ catholics, though the most noble and most nu-
“ merous portion of thy subjects, through whom
“ thou didst obtain thy crown; as thou hast de-
“ prived them of honours, offices, and dignities,
“ and driven them into despair by confiscations of
“ their property, banishment, and sanguinary in-
“ flictions, and hast raised up, in their stead,
“ atheists and heretics to the government of the
“ country; and in consequence of their licentious-
“ ness and malice, hast filled the whole kingdom
“ with heresies, sects, and dissensions; when—(a
“ thing hitherto unknown)—thou hast made it a
“ capital crime, to affirm, to think, or even to con-
“ jecture who shall reign after thee, as if thy wish
“ were that every thing should perish with thee;
“ when thou hast provoked every sovereign near
“ thee with the injuries which thou hast done him;
“ when thou hast disturbed every thing, rendered
“ every thing suspected, doubtful, perplexed, ul-

“cerated, and pestilent, what reason is there to
“impute this distracted state of things to a few
“most innocent and most harmless scholars, a few
“religious men, a few ecclesiastics?

“What are the crimes, of which so many inno-
“cent men, who have been condemned to death
“by thy laws, are guilty?—One, is punished for
“having been at Rome; another, for having re-
“ceived the pope’s blessing; another, for having
“been ordained priest by an order from the pope;
“another, for having been educated in the foreign
“seminaries; several, for having persuaded their
“families to remain true to the ancient faith;
“others, for returning to their country, for the sake
“of teaching, defending, or extending the catholic
“religion.—Learn at last, Elizabeth, that there is
“a God, who, before thou didst exist, had chas-
“tised many kings, queens, and sovereigns, much
“more powerful than thee. Consider how far
“thou hast proceeded; when thou hast not only
“condemned hundreds of these holy men to death,
“and spilt their blood, but delivered their bodies
“to the fowls of the air, denying them, under
“severe penalties, christian burial. Their holy
“blood cries from the earth, cries from the wood
“on which they suffered, and the sound of it has
“entered the ears of the Lord God of Hosts. The
“day is near, when thou must render to Him an
“account of all this, of every falsehood in thy
“proclamation.”

Then Persons takes upon him to vindicate Philip
from the crimes, with which he is charged by the

proclamation : he begins by recounting many signal services, which that monarch had rendered to Elizabeth ; he asserts that, on three occasions, when her life was in danger, in consequence of her treasonable practices against queen Mary her sister, Philip had intervened to save her. The monarch's subsequent kindness towards her is then mentioned : particularly his refusal to co-operate with Stukely, when he landed in Ireland with troops, which he had obtained from the pope. To these, he opposes the countenance and aid, which the Belgic subjects of Philip had received in their rebellions against him, from Elizabeth ; her piracies, her plunderings of his coasts, her procuring his bills to be protested at Genoa, and other aggressions of equal hostility.

Persons then brings forward the disturbances in France, fomented by Elizabeth, her seditious practices in Scotland ; and contrasts the conduct of Elizabeth, as he has described it, with the peaceable and dignified moderation, which Philip had shown, towards every European state, till the injuries, which he received from Elizabeth, forced him into war with her ; and a necessary defence of religion obliged him to confederate with the catholics of France, against the Navarrese.—He dwells with great force on the conduct of Elizabeth to the unfortunate queen of Scots.

“The bad success of the armada should not,” he says, “elevate Elizabeth and her adherents too much. The defeat of it was not owing to the valour of its assailants ; but rather to the acci-

“dents incidental to warfare; the inclemency of
 “the weather, inexperience of the sea, perhaps to
 “some ignorance or negligence; perhaps to the
 “will of a merciful God, who wished to preserve
 “the tree of England, till a third year, to see if it
 “would then produce good fruit.—The first expe-
 “dition of Julius Cæsar into England, the first of
 “Henry the seventh, was unsuccessful, the second
 “of each succeeded. Twice the sons of Benjamin
 “were defeated, the third time they were victo-
 “rious. Let the English reflect on these examples,
 “and learn not to be insolent, merely because the
 “punishment due to their great crimes has been
 “deferred.”

Here Persons enters upon a long, a laboured,
 and an eloquent defence of the proceeding of the
 pope, against Henry the fourth of France, or the
 Navarrese, as he pleases to term that monarch: he
 founds his defence on the deposing power of the
 pope. “The universal school of catholic theolo-
 “gians and divines, holds,—(and it is certain and
 “of faith),—that any christian prince, who mani-
 “festly swerves from the catholic religion, and
 “wishes to call others from it, falls instantly from
 “all power and dignity, both by divine and human
 “right, even before any sentence is passed against
 “him, by the supreme pastor and judge; and his
 “subjects are then free from the obligation of any
 “oath of allegiance, which they had taken to him,
 “as a legitimate prince; they then may, and if
 “they have strength sufficient, then ought to expel
 “from his sovereignty over christians, a man of this

“ description, as an apostate, heretic, and a deserter
“ of Christ our Lord ; as an enemy and foe of the
“ state, lest he should infect others, and withdraw
“ them from the faith by his example or command.
“ —This common sentence of all catholic doctors,
“ respecting the obligation of subjects to repel here-
“ tical princes, if they are injurious to the catholic
“ faith, is most certain and indubitable :—they
“ think, however, that this opinion should be qua-
“ lified by two conditions ; one, that the subjects
“ have strength sufficient for the purpose ; other-
“ wise the equity and benignity of the divine law
“ obliges no one to it, as it might turn to the pre-
“ judice both of themselves and the catholic reli-
“ gion : the other condition is, that the certainty
“ of the crime be so manifest, that it cannot be
“ longer denied or doubted. For, if it be doubtful
“ and uncertain, or, if the prince thinks ill of reli-
“ gion only in private, or smells only of heresy,
“ and does not produce his opinions publicly, or
“ pervert others,—in these cases, the obligation,
“ which has been mentioned, does not attach upon
“ the subject. It then only attaches, whenever
“ the crime is public, when the danger to the state
“ is manifest ; but then mostly, when the matter
“ has been decided by the church, and her supreme
“ governor, the Roman pontiff ; for to him it be-
“ longs, as a part of his duty, to provide for the
“ integrity of religion and the divine worship, and
“ to remove heresy, that it infect not the clean.”

The expressions in the proclamation respecting
the protection afforded by the Spanish monarch to

the catholic establishments in his dominions, produce an able, and, we believe, a candid defence of them by Persons. Some pages are assigned to the praise of cardinal Allen, whose honourable parentage he contrasts with the obscure parentage of Cecil, and, rising higher, with the spurious birth, as he describes it, of Elizabeth, with the filthy loves of the Boleyns, and the bastard progeny of Owen Tudor.—A much more pleasing topic, he finds in describing, (which he does with great elegance and taste), the piety and literary ardour of the inmates of the foreign seminaries; and,—after their return to England,—their quiet, unpretending virtues, their inoffensive manners, their zeal tempered with modesty, their patient suffering, their loyal language and demeanor.

We have noticed in a former part of this work, what Persons says respecting the six questions proposed to the priests after their condemnation, and his condemnation of what he terms the prudence and moderation of their answers, and his eloquent retort.

Finally,—(accommodating them to the situation of the English catholics),—he closes, in the words of Victor Vitensis *, with the following animated address.—“All you, who bear the name of catholic, “whatever be your age, your sex, or your condition, “come all of you to our house of sorrow! I call “no heretic to condole with me, he would rather “seek to add to my sufferings, and rejoice in my “misery; I call on no stranger, on no schismatic,

* Hist. Vand. l. ii. concl.

“ for I am become a stranger to my brethren, an
“ alien to the sons of my mother. Come all ye
“ angels of my God, and behold my country! All
“ comeliness is gone from her face; her virgins
“ cease to walk in the narrow path; the cloisters
“ are emptied of their youths, her children are be-
“ come captives, and the holy walls are trodden
“ under foot! Ye holy patriarchs deprecate for us,
“ the Divine wrath! pray for us ye holy prophets!
“ ye blessed apostles intercede for us! do thou, in
“ particular, O Peter, implore the Lord Christ, in
“ favour of the sheep and the lambs, whom, with
“ so much earnestness, he consigned to your pro-
“ tection and care! and thou, O holy Paul, teacher
“ of the nations, who preachedst the gospel in the
“ east and west, behold what our enemies are do-
“ ing; and what your children suffer! all ye holy
“ apostles, be mourners over us! and though we
“ confess that all this has befallen us for our sins,
“ yet pray for your sinful children, as Christ
“ prayed for the offending Jews. Our sufferings
“ we deserve, but let what we have suffered, suffice:
“ say to the angel that strikes, ‘ cease, it is enough!’
“ Prostrate at your feet, we beseech you not to
“ spurn your unhappy offenders;—by him, who
“ raised you, lowly fishermen, to the high rank of
“ apostles.”

Such is the best outline, which we have found ourselves able to give our readers of this extraordinary document: they must admire, even in the sketch, which we have given, the vigour and eloquence of the composition; and every competent

judge, who peruses the original, will admire its purity and perspicuity. Its ultramontane principles, all will now blame; but it should not be forgotten, that Persons spoke,—not the language of the catholic body,—but the language of his own party. The asperity, with which the work is written, must have given general offence, and prejudiced his readers against his arguments. In this, and in general effect, it yielded greatly to cardinal Allen's "Defence of the English Catholics," noticed in a former part of this work. This, while it possesses equal power of argument, with the work of father Persons, is written in a tone of christian moderation and singleness of heart, which must steal on every reader, and propitiate the very sternest adversary both in favour of the writer and in favour of his cause.

It should be added, that though the pope's claim, by divine right, to the deposing power, was, at this time, very generally maintained, very few went, with Persons, the length of asserting that it was an article of faith: we shall soon see that Bellarmine stopped short of that extravagance.

XXXVI. 5.

Penal Acts of the thirty-fifth year of queen Elizabeth against the Catholics.

To the invective of father Persons, the queen published a royal reply. By the first act of the thirty-fifth year of her reign, persons obstinately refusing to attend the service of the church, or im-

pugning the authority of the queen in ecclesiastical causes, or persuading others to do so, or assisting at unlawful assemblies or conventions of religion, were to be committed to prison, and to remain there, till their conformity to the established church, or till they made the submission and declaration contained in the act. By this they were to acknowledge their offence to God, in contemning her majesty's authority; to declare that no person had any power or authority over her; and to promise to obey in future all her laws,—those in particular which prescribed attendance at the service of the church. Offenders not conforming were ordered to abjure the realm, and depart from it, as in cases of abjuration for felony; if they refused to abjure the realm, or afterwards returned to it, they were to be adjudged guilty of felony without benefit of clergy; and to forfeit to her majesty all their goods and chattels absolutely; and the income of their real estate during their lives.

Even these penalties were not thought sufficiently severe: by the second act of the same year, popish recusant convicts were ordered not to remove five miles from their place of abode, and if they removed to a greater distance, they were subjected to a similar penalty; a jesuit, seminary, or other massing priest, who, on his examinations before a magistrate, should refuse to answer directly, whether he were a jesuit, a seminary, or a massing priest, was to be committed to prison, to remain there, till answer, without bail or mainprize.

The threatened attempt of the Spanish on the

English coast, did not take place till 1598 : a small body of them then landed near Penzance, in Cornwall, set fire to a church, and, on the appearance of a few English troops, retired in a hurry. "These," says Camden*, "were the only Spaniards that ever set foot in England, as enemies."

CHAP. XXXVII.

ASSERTION THAT THE PRIESTS WERE EXECUTED,
NOT FOR THEIR RELIGION, BUT FOR THEIR
COMMISSION OF ACTS OF HIGH TREASON.

THE second of the two last statutes, which have been mentioned, closed the penal code of Elizabeth against her English catholic subjects. A defence of it was made, by asserting, that the priests, who suffered under them, were convicted, not for their priestly character, or exercising their priestly functions, but for treason. This conveys an idea that the treason, for which they suffered, was some act that was treasonable by the ancient law of the land, or the statute of treasons—the 25th of Edward the third.

This is a great mistake. It was not even pretended that the priests were convicted of any act that was treasonable by the ancient law, or the statute of Edward : the only treasons for which they suffered were acts, which the statutes of Elizabeth had made treasonable—denying her spiritual

* Ad annum 1598.

supremacy—not quitting; or returning to, England;—or exercising sacerdotal functions.

But, continue the advocates for the justice of these laws, it was competent to the state to make these acts treasonable; and, having enacted that they should be treasonable; those, who committed such acts, were legally guilty of treason; and were punished, not for their religion, but for being traitors.

This was the ground on which, by a state-paper, published by lord Burleigh, these sanguinary laws; and the executions which took place under them, were principally defended. It was published in 1583, and is intituled, “The execution of Justice for maintenance of public and christian peace against certain stirrers of sedition, and adherents to the traitors and enemies of this realm, without any persecution of them, as falsely reported and published by the traitors and fosterers of the treasons.”

To this cardinal Allen replied, by,—“A true, sincere, and modest Defence of Christian Catholics, that suffered for their faith at home and abroad, against a false, seditious, and slanderous libel, intituled, ‘The execution of Justice in England;’ wherein is declared how unjustly the protestants do charge the catholics with treason; how untruly they deny their persecution for religion, and how deceitfully about the cause, greatness, and manner of their sufferings, with diverse other matters pertaining to this purpose.” It was universally read and admired. The authors of the

Biographia Britannica mention, that "as much is said in it, for his cause, and as great learning shown, in defending it, as it would admit." The learned Edmund Bolton called it "a princely, grave, and flourishing piece of natural and exquisite English." An elegant version of it into the Latin language is published in Dr. Bridgewater's *Concertatio*.

The whole of Lord Burleigh's work is founded on an argument so brittle, that it falls into pieces the moment it is touched. It was not, says his lordship, for their catholic religion, or for their sacerdotal character, that the priests underwent the sentence of the law; but for their remaining in or returning to England;—acts, which the law had made high treason.

Now, unless their priests remained in or returned to England, the English catholics would have been without instruction, and without the sacraments or rites of their religion. To remain in England, or to return to it, was therefore an act of the religious duty of the catholic priesthood; and for this act of religious duty the priests were executed.

In defence of the edicts against the Huguenots, who assembled in bodies for the exercise of their religious worship, might not Louvois have urged, with equal justice, that the offenders were punished, not for their religious principles, but for their illegal practices;—a previous law having made their assembling for religious worship a legal offence?

In fact, if lord Burleigh's argument justified the executions of the catholic priests, in the reign

of queen Elizabeth, there has seldom been a religious persecution, which a similar argument would not justify*.

CHAP. XXXVIII.

CONTINUATION OF THE PRACTICES OF THE
SPANISH PARTY.

1601.

THE severe proceedings of the English government, which have been mentioned, did not, however, check the unwise and criminal activity of the favourers of the Spanish pretension.

A confidential letter, written in cypher, from father Persons, to father Holt, dated the 15th March 1597, fell into the hands of the ministers of queen Elizabeth, and added to their jealousies of the designs of the Spanish party. Persons mentions generally its contents in his Manifestation†. He informs the readers of it, that “ he wished Holt to
“ consider it, as a note for him and such other
“ confident friends as he should think good to com-
“ municate the same withal. He then states, that
“ the principal causes of his journey (to Rome)
“ were to settle with his holiness, and the father
“ general, all such points as should seem necessary
“ for the upholding of the seminaries: he informs

* See Strype's Ann. vol. iii. b. i. app. xlvii; vol. iii. b. ii. ch. 12.

† Page 48.

“ father Holt, that about the whole matter of succession, he meant to proceed very softly and coldly ; letting his holiness only to know how matters did stand ; and that the English catholics did only desire, (after her majesty), some sincere catholic prince, without respect of English, Scottish, Spanish, or other nation, in respect of religion ; that he was not an enemy to the king of Scotland, nor agent to king Philip, as some had informed ; showing, in the first, what good offices he had done for the king of Scotland for many years, while there was hope that he would be a catholic ; and in the second, showing by the nuncio of Madrid, cardinal Cajetan, (who had written effectually in that behalf), that he, father Persons, had always persuaded the king and his council, that it would not stand well for his majesty to pretend England for himself, and that he had obtained of the king full promise thereof, about which point the nuncio had seen the paper, and been privy to the speeches, which he from time to time had had to that effect.”—“ These,” says father Persons, are “ the words of this secret letter ;” and finally he concludes his account of it by saying, “ that the best of all would be, if, to avoid contention, opposition, and garboils, after her majesty, such a person might be thought of as would be fit, and stand well both for his holiness and majesty catholic, the English and Scottish catholics, the kings of France, Denmark, and all the rest, but who that person or persons be, he meaneth his holiness to think upon.—Thus

“ he writeth as you see,” continues father Persons, “ in great confidence and secrecy to his dearest friend, and was to treat to the same effect, with the pope, by the commission, as here is insinuated, of the king of Spain himself; and his holiness can be witness whether he did so or no, and whether he changed his course unto this day *.” His celebrated work on the Succession, which we have already noticed †, shows, that the infanta was the personage on whom he wished the crowns of England and Ireland to devolve:—but James was to be permitted to retain his Scottish crown.

This intrigue did not escape the penetrating eye of cardinal D'Ossat, ambassador from Henry the fourth to the Roman court: much interesting information respecting it is contained in his Letters ‡.

The importance of these letters is increased by the high character of the writer. He was one of those extraordinary personages, who have united every voice in their praise. He is mentioned in terms of equal favour by Thuanus and Pallavicini, by Wicquefort in England, and the jesuit Galucci at Rome. From a situation so low, that his family was never known, he raised himself, by his talents,

* i. e. 1602, when the Manifestation, from which this extract is copied, was published.

† *Ante*, ch. xxxvi. §. 1.

‡ The cardinal's Letters were published at Paris, in 1698, in two volumes 4to. with notes by Amelot de la Houssaye: those, from which the substance of this chapter is taken, are in vol. i. p. 222, 399; vol. ii. p. 303, 390, 507, 509, 615, 616; 617, 618, 619.

and the undeviating wisdom and rectitude of his conduct, to be vice-ambassador of Henry the fourth of France to the see of Rome,—the centre, at that time, of the most important negotiations. He possessed the entire confidence of his sovereign ; and the pope, as an expression of his esteem for him, honoured him with the purple. “His penetration,” says L’Avocat, “was prodigious. He formed his “resolutions with such discernment, that in all the “various concerns and negotiations in which he “was engaged, a single false step has not been “discovered.”—It is difficult to avoid a digression, when it leads to the contemplation of a character at once so respectable and so pleasing.

In a very long, and a singularly interesting letter, of the 26th of November 1601, cardinal D’Ossat gives a full account of the curious project, that produced the two papal briefs which we are now called upon to mention. The cardinal analyses the work written upon the succession to the crown of England, under the name of Doleman, which has been mentioned in a preceding page. He says it was written at the instigation of Spain, and circulated by the Spaniards over the Low Countries, and wherever else they thought it might find readers. Doleman, he says, reduces the legitimate pretenders to the crown of England,—1st, to the king of Spain, as representing the royal house of Portugal, in whom the lineal heirs of the house of Lancaster were found :—2dly, to the house of Scotland, represented by James the sixth ; and 3dly, to lady Arabella Stuart :—both the last were de-

scended from Margaret, the eldest daughter of Henry the seventh. Each has a place in the genealogy, contained in the first volume of this work. Passing over James, on account of his religion, and because he was born in Scotland, and therefore an alien, the pretenders were reduced to the king of Spain, and lady Arabella. To the Spanish line, the pope supposed the English would never submit. The lady Arabella consequently remained, and her, the duke of Parma ought to have married. Unfortunately, he happened to have a wife; but, cardinal Farnese, his brother, had none; he therefore was to be secularized; and to him the lady Arabella was to give her hand. The king of Spain, probably with a very bad grace, but still, with decency, would submit to their union; and, after some difficulty, both foreigners and subjects would bend the knee, and acknowledge Farnese and Arabella as sovereigns of the two thrones of England and Scotland. Even the king of France was to find his account in it; as a Bourbon could be alarmed at nothing so much as accession of strength to the house of Guise, to which James the first belonged, through his mother, the unfortunate queen.

It must amuse the reader to see how very easily the imperial crowns of England and Ireland are thus disposed of by the pope and the jesuit: even in Rome it excited a smile; "If any man," said Pasquin to Marforio, "will buy the kingdom of England, let him repair, to a merchant, with a black square cap in the city, and he shall have a very good penny-worth of it."

The talents of queen Elizabeth were not admired by Clement, so much as they had been by Sixtus Quintus, his predecessor. Clement called her "an old woman without a husband, and without a certain successor." He said she must, at that time, be straitened for money, on account of the greatness of her former expenses: "Neither you nor I," said the pope to the cardinal, "are so old, but that we may yet behold her subdued; England has been conquered often, and may be conquered again." For the present, however, his holiness thought it would be most prudent to wait the queen's decease.

Under these impressions, "the pope," says D'Ossat, "has sent to his nuncio in the Low Countries, three briefs, to be kept secret, until he should be informed of the death of queen Elizabeth: and then to be forwarded to England; one to the clergy, one to the nobility, and the other to the third estate. By these, the three estates of England were exhorted to bind themselves to receive a catholic king, whom the pope should propose to them; and whom they would find agreeable, profitable, and honourable; and all for the glory and honour of God, the restoration of the catholic religion, and the salvation of their souls." The cardinal proceeds to mention to the king the reply which he made to the pope; and offers several suggestions on the futility of the project.

His letter contains other interesting circumstances, which show how well the cardinal was in-

formed of every thing that related to the matters in agitation. He describes the persons most active in the business, and an individual residing at Calais, through whom their correspondence was carried on.

The answer of the king is dated the 24th of December 1601, and shows good sense, a true spirit of justice, and great magnanimity. He treats the project of the pope as a perfect chimera. He observes, that it was founded upon the hopes held out by exiles, promising more than they could perform; feeble instruments, doubtful friends, and dangerous advisers. The party of lady Arabella, his majesty pronounces to be very weak. "The king of Scotland," he adds, "is the right heir. I desire, like his holiness, that the kingdom of England should fall to the lot of a catholic prince; nor am I ignorant of the reasons which should make me wish that the crown of England should be kept separate from that of Scotland; or of those which should make me jealous of the connections which the king of Scotland has in this country. But it is an injustice to oppose what is just, and an imprudence to engage in an undertaking so little likely to succeed, as that which is proposed by the pope.—This, my cousin, is what my confidence in you, and my openness, have induced me to write in answer to your letter.—You may make what use of it you please. But my opinion is, that as much as you can, you should keep the pope from opening himself to you respecting the English succession."

The king tells the cardinal, in another part of his

letter, " that the papal project would be attended
" with consequences quite contrary to those which
" the pope expected, and render the condition of
" the catholics more miserable than ever, by making
" them take up arms in opposition to the laws of
" the kingdom, and to the lawful succession of the
" reigning monarch."

Such was the project, which, in the following reign, subjected the pope and the catholics to so much censure. The fact was, that though a family estate was never transmitted from father to son with greater ease than the crown of England passed, on the death of Elizabeth, from the house of Tudor to the house of Stuart, a different scene had been generally apprehended. It had been expected that many competitors to the throne would arise; and particularly it had been supposed, that the party, which had been principally instrumental in bringing Mary to the scaffold, would not quietly permit her son to ascend the throne. Those, it was thought, looked towards Arabella; and, being a catholic, her claims, it was imagined, would naturally be favoured by that party. These, as we have already observed, constituted, at the time of which we are speaking, the most numerous portion of the subjects of the realm. They considered themselves, therefore, entitled to a vote at the election, and the pope, seconding their views, claimed all their votes and interest for Arabella.

It appears that there were two briefs only;—one directed to the archpriest and clergy; the other to the nobility and gentry of England. On the

trial of father Garnett, which we shall afterwards have occasion to mention, sir Edward Coke represented them, as enjoining the catholics, "not to admit any person, how near soever, upon the line to the throne, after the queen's death, unless such person would not only tolerate the catholic religion, but promote it to the utmost of his power; and engage himself by oath, according to the custom of his ancestors, for that purpose." That these were the contents of the briefs, father Garnett did not deny. He admitted that they were transmitted to him, but he alleged in his defence that he kept them secret, showed them to very few, and soon after the accession of James, committed them to the flames *. He also alleged, that both the pope, and the superiors of his order, earnestly recommended to the catholics to bear their sufferings with patience, and to abstain from violence of every kind. This is confirmed by the letters both of father Garnett and of father Persons, produced by father Andreas Eudæmon, in his defence of Garnett: some of which we shall afterwards notice.

* The writer has not discovered them in any bullarium.

CHAP. XXXIX.

PROTESTATION OF ALLEGIANCE, PRESENTED TO
THE QUEEN BY THIRTEEN SECULAR PRIESTS.

1602.

IN 1602, while this unwise and criminal activity,—for by these terms we must again describe it,—was displaying itself on the continent, thirteen priests presented to the council of her majesty a solemn protestation of allegiance, expressed in terms extremely well calculated to remove the prejudices entertained by the sovereign and the public against the general body of the catholics. We shall first mention the circumstance which led to this measure; then, insert the protestation.

On the 5th November 1601, the queen issued a singular proclamation*. She notices in it, the dissensions between the secular and the regular clergy, and the combination, as she terms it, of some of the former with the latter; she then intimates, that the seculars, who preserved their integrity, were, in her consideration, less blameable than the regulars, or those who combined with them: she then orders all to depart the realm, within a time expressed, “except such as, before a member of the privy council, a bishop, or the president of Wales, should acknowledge allegiance and duty to her;—with whom she should then take such further order as should be thought most fit and convenient.”

* Printed in Rymer's *Fœdera*.

Availing themselves of this proclamation, some of the leading clergy came forward with the following admirable protestation of allegiance, dated the 31st of the following January.

“Whereas it hath pleased our dread sovereign lady to take some notice of the faith and loyalty of us, her natural born subjects, secular priests, (as it appeareth in the late proclamation,) and of her princelike clemency, to give a sufficient earnest of some merciful favour towards us,—(being all subject by the laws of the realm unto death, by our return into the country after our taking the order of priesthood, since the first year of her majesty’s reign);—and only to demand of us a true profession of our allegiance, thereby to be assured of our fidelity to her majesty’s person, crown, estate, and dignity:—We, whose names are underwritten, in most humble wise, prostrate at her majesty’s feet, do acknowledge ourselves infinitely bound unto her majesty therefore, and are most willing to give such assurance and satisfaction in this point, as any catholic priests can or ought to give unto their sovereign.

“First, therefore, we acknowledge and confess the queen’s majesty to have as full authority, power, and sovereignty over us, and all the subjects of the realm, as any her highness’s predecessors ever had: and further, we protest that we are most willing and ready to obey her in all cases and respects, as far forth as ever christian priests within this realm, or in any other

“ christian country, were bound by the law of God
“ and christian religion to obey their temporal
“ prince ; as to pay tribute, and all other regal
“ duties unto her highness ; and to obey her laws
“ and magistrates in all civil causes, to pray to
“ God for her prosperous and peaceful reign, in
“ this life, according to his blessed will ; and that
“ she may hereafter attain everlasting bliss in the
“ life to come.

“ And this our acknowledgment we think to be
“ grounded upon the word of God, that no autho-
“ rity, no cause or pretence, can or ought, upon
“ any occasion, to be a sufficient warrant more
“ unto us, than to any protestant, to disobey her
“ majesty in any civil or temporal matters.

“ Secondly,—whereas, for these many years
“ past, divers conspiracies against her majesty’s
“ person and estate, and sundry forcible attempts
“ for invading and conquering her dominions, have
“ been made, under we know not what pretences,
“ and intendments of restoring catholic religion by
“ the sword, (a course most strange in the world,
“ and undertaken peculiarly and solely against her
“ majesty, and her kingdoms, among other king-
“ doms departed from the religion and obedience
“ of the see apostolic no less than she),—by rea-
“ son of which violent enterprizes, her majesty,
“ otherwise of singular clemency towards her sub-
“ jects, hath been greatly moved to ordain and
“ execute severe laws against catholics, (which by
“ reason of their union with the see apostolic in
“ faith and religion were easily supposed to favour

“ these conspiracies and invasions),—than perhaps
“ had ever been enacted or thought upon, if such
“ hostilities and wars had never been undertaken;
“ we, to assure her majesty of our faithful loyalty,
“ also in this particular cause, do sincerely pro-
“ test, and by this our public fact, make known to
“ all the christian world, that in these cases of con-
“ spiracies, of practising her majesty’s death, of in-
“ vasions, and of whatever forcible attempts which
“ may hereafter be made by any foreign prelate,
“ prince, or potentate whatsoever, either jointly or
“ severally, for the disturbance or subversion of
“ her majesty’s person, estate, realms, or dominions,
“ under colour, show, or pretence, or intendment
“ of restoring the catholic religion in England and
“ Ireland, we will defend her majesty’s person,
“ estate, realms, and dominions, from all such
“ forcible and violent assaults and injuries.

“ And, moreover, we will not only ourselves de-
“ tect and reveal any conspiracies, or plots, which
“ we shall understand to be undertaken by any pre-
“ late, prince, or potentate, against her majesty’s
“ person or dominions, for any cause whatsoever,
“ as is before expressed, and likewise to the best
“ of our power resist them; but also, will earnestly
“ persuade, as much as in us lieth, all catholics to
“ do the same.

“ Thirdly,—if, upon any excommunications de-
“ nounced, or to be denounced, against her ma-
“ jesty, upon any such conspiracies, invasions, or
“ forcible attempts, to be made, as before expressed,
“ the pope should also excommunicate every one

“ born within her majesty’s dominions, that would
“ not forsake the foresaid defence of her majesty,
“ and her realms, and take part with such conspi-
“ rators or invaders ; in these, and all other such
“ like cases, we do think ourselves, and all the lay
“ catholics, born within her majesty’s dominions,
“ bound in conscience not to obey this or any such
“ like censure ; but will defend our prince and
“ country, accounting it our duty so to do ; and,
“ notwithstanding any authority or excommuni-
“ cation whatsoever, either denounced or to be
“ denounced, as is before said, to yield unto her
“ majesty all obedience in temporal causes.

“ And, because nothing is more certain, than
“ that, whilst we endeavour to assure her majesty
“ of our dutiful affection and allegiance, by this our
“ christian and sincere protestation, there will not
“ want such as will condemn and misconstrue our
“ lawful fact ; yea, and by many sinister sugges-
“ tions and calumnies discredit our doings with the
“ christian world, but chiefly with the pope’s holi-
“ ness, to the greatest prejudice and harm of our
“ good names and persons that may be ; unless
“ maturely we prevent their endeavours therein :
“ we most humbly beseech her majesty, that in
“ this our recognizing and yielding Cæsar’s due
“ unto her, we may also, by her gracious leave,
“ be permitted, for avoiding obloquies and calum-
“ nies, to make known, by like public act, that, by
“ yielding her right unto her, we depart from no
“ bond of that christian duty, which we owe unto
“ our supreme spiritual pastor : and therefore, we

“acknowledge and confess the bishop of Rome to
 “be the successor of St. Peter, in that see; and to
 “have as ample, and no more, authority or juris-
 “diction over us and other christians, than had that
 “apostle by the commission and gift of Christ our
 “Saviour; and that we will obey him so far forth
 “as we are bound by the laws of God to do, which
 “we doubt not but will stand well with the per-
 “formance of our duty to our temporal prince, in
 “such sort as we have before professed. For, as
 “we are most ready to spend our blood in the de-
 “fence of her majesty, and our country, so we
 “will rather lose our lives than infringe the lawful
 “authority of Christ’s catholic church.”

William Bishop,	Robert Drury,
John Colleton,	John Jackson,
John Mush,	Francis Barneby,
Robert Charnock,	Oswald Needham,
John Boseville,	Richard Button,
Anthony Hepburne,	Anthony Champney.
Roger Cadwallader,	

This protestation was signed by the thirteen
 priests. It was framed by Mr. William Bishop,
 whose name stands first on the list of signatures.
 He was afterwards consecrated bishop of Chalce-
 don; and the pope conferred upon him episcopal
 jurisdiction over the catholics of England and
 Scotland. Two of the other priests by whom it was
 signed, Roger Cadwallader, and Robert Drury,
 afterwards suffered death, under the penal code of
 Elizabeth.

The subscribing clergymen had foreseen the

misconstruction which would be put on their lawful act, and the sinister suggestions by which it would be attempted to be discredited. It was said to be "an officious obtrusion:" but Elizabeth had invited it by her proclamation. It was said, "to convey a reproach of disloyalty upon all other priests and catholics:" but it does not contain a word, which either expresses or intimates such a censure. It was asked, "where and when had catholic priests, or laymen, entered into the conspiracies mentioned in it to have been formed against her majesty's person; and what were the sundry forcible attempts said in it to have been made for invading and conquering her dominions? What catholics had favoured these conspiracies?"—Northumberland, it was replied, and Westmoreland, and Babington, and his associates; those also, who, to use the language of the Answer to the Memoirs of Panzani*, had deeper views than the general body of the missionaries:—who approved of the bull of Pius the fifth, and who thought the execution of it by Philip the second,—(his armada was certainly a very forcible attempt)—would have been an act of eminent justice:—those who entered into the intrigues of the Spanish fugitives:—finally, those who wrote to prove that the war against Elizabeth was just and necessary; and who sought to interrupt the lawful descent of the crown, by bringing in a catholic succession. Against these disloyal opinions, and unjustifiable practices, the document, signed by the thirteen priests, was

a solemn, an accurate, and an explicit protestation. It was delivered to the lords in council, and satisfied both their lordships and the queen.

Much, indeed, is it to be lamented, that it was not universally signed by all the catholic clergy and laity of England. But it was opposed by a powerful party.

Some years after the address was signed, Dr. Champney, one of the subscribers of it, was appointed to be the confessor of the Benedictine nuns at Brussels: the appointment was opposed by the jesuits, by father Leander à Sto. Martino, whom we shall afterwards have occasion to bring before our readers, and by Mr. Winter, a secular gentleman. One ground of their objection to him was, that he had signed the address to queen Elizabeth. On this Dr. Champney laid his case before the university of Louvaine; prefixing to it a short statement of facts, in which he mentioned that, "in 1602 it was intimated to him and others in London, that her majesty was disposed to allow a freer exercise of their religion to the catholics of her realms, if she could be assured of the fealty of the catholics towards her, without any doubt of the contrary, in consequence of the sentence of excommunication and deposition denounced against her by Pius the fifth."—He therefore requested their opinion on the lawfulness of taking the oath.

In their answer, the Louvaine divines express themselves with great moderation: they mention, that the point submitted to them wholly turned on

the question, "whether the pope had or had not an indirect power in temporals?"—They assert, that "the affirmative of the proposition is certain; that the negative of it is false; but not contrary to faith; and contrary only to the common opinion." That, "the thirteen priests had not, by signing the declaration of allegiance, rendered themselves ineligible to offices, or improper to hold them;" that "the opinion expressed by them was tolerated in France; that the pope had conferred ecclesiastical dignities on some who maintained it;" and that "several fathers of the society of Jesus, who had openly professed it; had been recognized by the other fathers of their order." The moderation of the censure showed the progress of reason. It gave offence to the advocates of the deposing doctrine. Father Leander addressed a letter to the university of Louvaine, objecting to the terms in which their censure was expressed: he assures them, that the address of the thirteen priests had highly displeased his holiness; and was condemned by the benedictines and jesuits. He refers to certain terms of pacification, which had been imposed on them by the pope in 1608, by which they were enjoined to attend to the concerns of the mission, "and to avoid all familiarity with those, who had taken, or had exhorted others to take, the oath to the king of England, which had been condemned by his holiness;" among which, he intimates the address of the English priests to be virtually included.

Numerous instances show that the court of Rome is more wise and moderate than her officious partisans often show themselves: Dr. Champney's signing the address, did not prevent the cardinal protector from appointing him, with the approbation of the holy see, to the offices of vice-president of Douay college, and professor of theology in that college; nor did Mr. Bishop's signature of the address, or his activity in procuring signatures to it, prevent the see of Rome from appointing him, as we have already mentioned, her vicar-apostolic, with ordinary jurisdiction over the catholics in England and Scotland.

CHAP. XL.

DEATH OF QUEEN ELIZABETH.

1603.

WE believe that we have stated all the principal events in this reign, which materially affected English catholics: the general result of the laws and proceedings of government against them during this long period, is thus described by a respectable writer from his own observation*.

“ By colour and force of the statutes passed
 “ against the catholics, which, being penal, and
 “ altogether against the common law and justice

* The History of the Reformation of England, 1685, 8vo. The author of it was Charles Eyston, esq. of Old Hendred, in Berkshire.

“ of the realm, ought, *de jure*, to have been *stricti*
“ *juris*, and not upon any occasion rigorously and
“ extensively enforced, as many times they never-
“ theless were, the statists*, according to the Vandal
“ project aforesaid, obtained, by degrees, their long
“ projected ends, touching the dividing of most of
“ the people’s hearts from queen Mary of Scotland,
“ from her title, from her religion, and, (for her
“ cause), from all communion in belief with the
“ catholic church : also, concerning the setting up
“ of a new and strange head of the church, or an
“ antipope, and the abolishing of the power and
“ authority of the true vicar of Christ in spiritual
“ matters; even as they had done by the true and
“ lawful vicar in temporal matters, viz. queen Mary
“ of Scotland. The deposing of catholic and ca-
“ nonical archbishops, bishops, prelates, and clergy-
“ men, by an oath, and a trick of state ; and, in
“ their places, of setting up of anticatholic, and
“ patent or statute bishops, superintendents, and
“ ministers. The offering of disputations, but un-
“ civilly demeaning the same ; the abrogation of
“ the apostolic forms of prayers, sacraments, and
“ sacrifices ; and in place thereof, the authorizing
“ new inventions for forms of common prayers and
“ administration of sacraments : for refusing where-
“ of the catholics were not only removed from their
“ places of office, credit, and dignity ; but, in pro-
“ cess of time, were made incapable of office, cre-
“ dit, or charge of any place of reputation in the
“ commonwealth, even of practising their profes-

* i. e. Statesmen or politicians.

“ sions, though never so learned in divinity, canon,
“ common or civil law, physic, &c.; of presenting,
“ in their own rights, to benefices, prebends, or
“ ecclesiastical advancements; of being executors
“ or administrators; of being guardians, either of
“ such as by tenure held of them, or to such as
“ by nature, nurture, or other civil right, was
“ due to them: of relieving their wives: of suc-
“ couring or educating their children: of har-
“ bouring their friends: of marrying, christening,
“ or burying of them, as occasion required: and
“ finally, of any access to the royal majesty, upon
“ any grievance, either for righting their wrongs,
“ or for defending their rights. Yea, by statute
“ laws, the statists had variable ways, either of their
“ pleasures to entrap all sorts of catholics, with a
“ *præmunire*, to the loss of their liberties and
“ estates, as well real as personal, or to endanger
“ their lives, upon new and unheard-of felonies
“ and treasons, even for the exercise of such mat-
“ ters, as were, in all ages, held for virtues.

“ Hereupon, out of every pulpit, press, or sta-
“ tioner's shop, such invectives, slanders, infamies,
“ untruths, and lies were cast upon priests, as sedi-
“ tious; and upon catholics, as impious and wicked,
“ as were without measure or remedy. For, no
“ tongue was so foresworn, but was of credit against
“ them; and none, but was reputed false, in their
“ defence. Their houses were daily searched and
“ rifled: their altars, chalices, books, church stuff,
“ beads, &c. were taken from them, and turned to
“ common uses. The name of catholic was denied

“ them ; the common law making for them, was
“ inverted and turned against them : and, for the
“ queen of Scots and their sakes, the name of Rome
“ was maliced : the pope vilified and liared : the
“ catholic emperors, kings, and princes, were tra-
“ duced : and the catholics themselves became the
“ trampling-stones of all pursuivants, informers,
“ promoters, and other hungry, needy, and merci-
“ less people, for the covetousness of their goods,
“ for the confiscation of their lands, and for the
“ begging of their estates, in such sort as was both
“ outrageous and insatiable. To conclude : the
“ catholics,—some of them from 5,000*l.* yearly,
“ some from 2,000*l.* and others from 1,000*l.* 500*l.*
“ 100*l.* 50*l.* more or less yearly revenues, fell to
“ extreme misery, could no ways please the statist,
“ but in being miserable. Whereupon they en-
“ dured such ravenings, pillagings, and pollings,
“ such exiles, imprisonments, and tortures, such en-
“ slaving of their persons, and such effusion of their
“ innocent blood, as came not short of the Arian
“ persecution itself : even such as neither eye has
“ seen, nor ear heard of, in any christian common-
“ wealth.”

The gloom and mental agony, which embittered the last days of *her*,—by whose ministers these persecutions of the catholics were devised,—have been recorded by almost all her historians, but accounted for satisfactorily by none. The story of the earl of Essex, the countess of Nottingham and the ring, have been elevated to history by the pen of Hume : the age of Elizabeth, for she was, at this time, in her seven-

tieth year, would appear an insuperable objection to its truth, if other circumstances of her life did not prove, that, even at this period, she was susceptible of romantic fondness. It is, however, evident, that these circumstances, without being the sole cause of the queen's distress, might lead her to retrospective meditations ; and that the illusions of vanity, pleasure, passion, and ambition, then ceasing to operate, she might strongly feel, that she stood on the verge of eternity, and was soon to render to the God, who had commanded her to love her neighbour as herself, an account of all that had been done to secure to her the honours and the power, which she was soon to quit for ever. That her woe arose from this cause, the dismal circumstances related of it, render as probable as any, which has yet been assigned.—“ Two letters,” says major Rennel*, “ written by the emperor Aurengzebe, in his last moments, to his two sons, furnish this striking lesson to frail mortality, that, however men may forget themselves during the tide of prosperity, a day of recollection will come sooner or later.—Here we are presented with the dying confession of an aged monarch :—how awful must his situation appear to him, when he says,—‘ wherever I look, I see nothing but the Divinity !’ ”

* Introduction to his Memoir on the Map of Hindustan, lxiii. note.

CHAP. XLI.

JAMES THE FIRST:—HIS ACCESSION TO THE
THRONE.

1603.

FEW sovereigns have ascended an ancient throne, by a title quite so clear, as that of James the first. On the death of Elizabeth without issue, the line of Henry the eighth, her father, was extinct; it became therefore necessary to resort to the other children of Henry the seventh, her grandfather.

Margaret, the eldest daughter of that monarch, having married James the fourth of Scotland, James their grandson,—the sixth Scottish and first English monarch of that name,—was their lineal heir. Thus he represented both the house of York and the house of Lancaster: the rights also of the Saxon monarchs had, in consequence of the marriage of Margaret, sister of Edgar Atheling, daughter of Edward the outlaw, and grand-daughter of Edmund Ironside, with Malcolm king of Scotland, been transmitted to him.

The first act of his first parliament was, “to
“recognize and acknowledge, that, immediately
“upon the dissolution and decease of Elizabeth,
“late queen of England, the imperial crown there-
“of did, by inherent birthright, and lawful and un-
“doubted succession, descend and come to his most
“excellent majesty, as being lineally, justly, and
“lawfully, next and sole heir of the blood royal of
“the realm.”

Every reader of these pages is apprised of the state of uncertainty, in regard to his succession to the British throne, in which the monarch was kept by queen Elizabeth, till the last moment of her life : it is less known that he had apprehensions from other quarters. The president de Thou* informs us, that Roger Creighton, the abbot of Pignerol, in his *Life of Laurea*, cardinal protector of Scotland, and for some time secretary to queen Mary †, relates, that Mary made her will on the day preceding her death ; that, after declaring in it her constant attachment to the catholic faith, she ordered, “ that “ her son should never succeed to the crown of “ England, unless he abjured his heresy ; and that, “ if he persisted in it, she transferred the right to “ that crown to Philip of Spain ; that the cardinal “ having examined the document and compared it “ with several letters, which he had received from “ the queen, was satisfied that it was her hand- “ writing ; and that he signed it and caused it to “ be signed by Lewis Owen, the bishop of Cassano, “ and placed it in the hands of the condé Olivarez, “ the Spanish ambassador at Rome, to be trans- “ mitted by him to his sovereign.” A vague report of this supposed will appears to have been in circulation at the time of the Spanish armada ; but,

* Hist. lib. xxxvi.

† Through him, St. Pius the fifth had sent Mary, soon after her accession to the Scottish throne, a present of 20,000 crowns ;— his holiness had also intended to confer on him the dignity of apostolic nuncio to her : but on the representation of the queen, Laurea stopped at Paris, which he had reached in his way to Scotland.—Robertson's *Hist. of Scotland*, book iv.

some circumstances show it to have been without foundation. Had there been such a will, Philip would certainly have produced it on his projected invasion of England; and the existence of it is irreconcilable with the circumstance related of Mary, that, a few hours before her death, she perused a will, which she then recognized, and directed to be delivered, as such, to Elizabeth. De Thou himself treats the story, which we have related from him, as doubtful*.

It is, however, certain, that "The Conference on the Succession," published, as we have seen, under the name of Doleman, gave James great uneasiness. In 1596, he entered into a negotiation with the king of Spain through lord Ogilvy †. That nobleman presented to the king's ministers a memorial, stating the reasons, which induced his Scottish majesty to desire a league with the Spanish monarch. These ere,—his wish to revenge the death of his mother; —to provide a defence against the act of the

* Yet it long continued to be a subject of conversation. Sir Charles Cornwallis, writing in 1606 to the earl of Salisbury, says, "They, (the Spanish government), busily, as I am informed, seek for the testament of the king's mother. By that will, (written, as it is said, with her own hand), the queen, in case the king her son should not become a catholic, devised her kingdom of Scotland, and all her rights in England, France, and Ireland, to the king of Spain. Having lost the force of their own arms, and almost the hope of recovery or continuance of their own dominions, they would now, as it seems, perfume themselves with some smoke of title of other princes." Winwood's Memorials, vol. ii. p. 230.

† Winwood, vol. i. p. 1—20.

English parliament, excluding from the throne the kindred of those, who had conspired against queen Elizabeth ; which act, he said, was levelled against him ;—to enforce the promise, which Elizabeth had made to him, at the time of the armada, that she would, without delay, declare him successor to the crown, and prince of Wales ;—to revenge also the murder of his father, and the various seditious practices within this kingdom, both during and subsequent to his minority, which he attributed to that princess ;—her encouragement of the turbulent preachers ; her protection of the rebels against him ; her detention of his English property, and her attempts to get his son, the prince of Scotland, into her power.

To induce the king of Spain to accede to the proposed league, his Scottish majesty offered to be reconciled to the see of Rome ; to conclude a general offensive and defensive league with Spain ; to restore to their blood and fortunes all the Scottish noblemen, who had forfeited them for adherence to the catholic faith ; to give protection to the English and Irish catholics, who should fly to Scotland from persecution in England or Ireland ; to recal to Scotland all its navies, serving against Spain ; to supply the Spanish monarch with a certain number of Scottish troops, as a security for his performance of his engagements, and to deliver up his son to the Spanish monarch.

For this, he required that neither the king, nor any person in his right, should pretend to any title to the crowns of England, Scotland, or Ireland.

and that the Spanish monarch should furnish the king of Scotland with money, and commence the war against England.

These offers becoming public, Dr. John Cecil, an English priest, employed by the earls of Angus, Errol, Huntley, and other catholic lords, presented to the Spanish government a counter memorial :— they objected personally to Ogilvy ; they accused him of being connected with the adversaries of the Spanish party, and charged him with known hostility to cardinal Allen, Persons, and others, who sincerely wished the conversion of England ; and they alleged that the document itself was of a suspicious nature.

They further suggested, that James had not discovered, even by a single action, the least indication of partiality towards the catholic religion ; that, in some written works, he had expressed himself against it ; that his delay in revenging the death of his mother showed the insincerity of his actual professions ; that he had often checked the exertions of those, who wished it to be revenged ; and that he had betrayed them, and even confiscated their estates.—They then reflect on his personal honour and courage ; and conclude by saying, “ that the true cause, which had really “ moved the king of Scotland, and the politicians “ who favoured him, to make a show of intending “ to embrace the catholic religion, at that time, “ was Doleman’s book on the subject of the succession of the crown of England, wherein it was “ declared, that the king of Scotland had many

“ companions in the pretension to that succession ;
 “ that all of them had very probable rights ; and
 “ that no pretender could be admitted by the catho-
 “ lics, whatsoever his right might be by blood, un-
 “ less he were a known catholic. The king of Scot-
 “ land,” they say, “ found that the book had made
 “ much impression on all sorts of people, and there-
 “ fore would willingly secure his own interest, by
 “ the way of league and union with his holiness,
 “ and with his catholic majesty*.”

It appears that Dr. Cecil's counter-memorial produced so much effect, that Ogilvy was detained at Barcelona, till it could be ascertained, whether the commission which he produced from James was genuine. What afterwards became of this affair, the writer has not been able to discover. From some passages in Winwood's Memorials, it is probable that Dr. Cecil afterwards made his peace with the English government. The writer suspects that, if Ogilvy were not altogether an

* It is observable that Dr. Cecil's memorial accuses king James of having not only consented to the death of his mother, but actually promoted it, by the master of Gray his ambassador.—The editor of Winwood's Memorials intimates his disbelief of the charge ; the master of Gray being no better than a spy and tool of Burleigh : but Dr. M^cCrie, in his *Life of Andrew Melville*, recently published, (vol. i. p. 365, 366), mentions some facts, which may be thought to countenance, to a certain extent, Dr. Cecil's assertions. *Hume* (ch. xlii.) mentions the general belief that the “master of Gray had been gained by the enemies of Mary, and secretly gave his advice not to spare her, and undertook in all events to pacify his master.”—See also Burnet's *Hist. of his own Times*, fol. ed. p. 312.

impostor, he greatly exceeded the commission with which he was entrusted.

Some intercourse between James and the see of Rome also took place during the reign of queen Elizabeth. In 1599, Mr. Drummond, a Scotsman, was the bearer of a letter, and of some verbal communications from the monarch to Clement the eighth, who then filled the pontifical chair*. The instructions given to Drummond import that "he was sent to the pope, the duke of Tuscany, the duke of Savoy, and other princes and cardinals;"—he was directed to represent to them, among other things, that, "though his majesty persisted in the religion which he sucked in from his infancy, yet he was not so void of charity, but to think well of all christians, if so be they continue in their duty, first towards God, and then towards the magistrate, whose subjects they are:" and that "his majesty had never exercised any cruelty against the catholics for religion." Queen Elizabeth had notice of the letter soon after it was sent, and reproached James with it. James denied it; and sent to her a person of the name of Drummond, who was said to have taken the monarch's letter to the pope.—Drummond, with the most solemn imprecations, disclaimed any knowledge of it, to her majesty. Here the matter rested, till James's contest with cardinal Bellarmine, respecting the oath of allegiance proposed by the English catholics. Bellarmine then produced the letter: James still denied it, and charged Balmerino, his

* Dodd, vol. ii. p. 460. Rushworth, vol. i. p. 162.

secretary, with having sent it without authority : Balmerino pleaded guilty, and was dismissed from his office of secretary, but continued in the possession of an ample income : he was much considered by James, and frequently corresponded with him *.

There is other evidence of James's connection with Rome. Father Persons, in a letter to the general of his order†, after stating that he had obtained for James and his mother 24,000 crowns from the king of Spain, mentions his having received 4,000 crowns from pope Gregory for the same purpose.

With the death of Philip the second, and the marriage of the infanta with duke D'Albert, all the hopes of father Persons, to place a catholic prince on the thrones of England and Scotland, failed.—Soon after the accession of James, he published the "Three Conversions of England," his most important

* Kennett's Complete History of England, vol. ii. p. 666, note.—Strype, (Ann. vol. iv. n. 267), has inserted a letter, written by James to lord Hambledon, one of his agents in England, in which he desires that nobleman "to assure all honest men, on the princely word of a king, that, as he had ever, without swerving, professed and maintained the only true religion professed and by law established in both the countries, within all the bounds of his kingdom, so might they assure themselves, how soon it should please God lawfully to possess him with the crown of that kingdom, he should not only maintain and continue the profession of the gospel there, but withal not suffer or permit any other religion to be professed and avowed within the bounds of that kingdom."

† More, p. 119.

work :—in the preface to it, he thus addresses the English catholics :—“ As to the person now advanced,”—meaning James,—“ I know there was “ never any difference among you ; but that you “ ever desired his advancement, above all others, as “ the only heir of that renowned mother, for whom “ your fervent zeal is known to the world, and how “ you have suffered by her adversaries for the same. “ Yet do I confess, that touching the disposition of “ the person for the place, and the manner of his “ advancement, all zealous catholics have both “ wished and prayed,—that he might first be a “ catholic, and then a king, this being our bounden “ duty to wish, and the greatest good to be obtained for him : and to this end, and no other, “ hath been directed whatsoever may have been “ said, written, or done by any catholic, which, with “ some others, might breed disgust.” Sir Francis Winwood, in a letter to secretary Cecil, dated 27th February 1601, mentions that Persons had, the week before, addressed a letter to the ambassador of Spain, excusing himself for what he had written against the Scottish monarch, and desiring, by his mediation, to find admittance into his majesty’s favour and grace, protesting that he would relinquish the service of any other, and adhere only to him, upon the smallest show of the least favour to catholics*.

Some reason,—perhaps a wish to soothe the British government,—induced Clement the eighth, about this time, to express to Aquaviva, the general

* Winwood, vol. i. p. 388.

of the society, a wish that Persons should leave Rome for a time ; he accordingly retired to Naples, and did not return to Rome until after the death of Clement*.

CHAP. XLII.

THE CONSPIRACY OF SIR WALTER RALEIGH.

1603.

THE conspiracy of sir Walter Raleigh and his associates appears to be involved in impenetrable obscurity. The ultimate objects of it were indistinctly understood by the conspirators ; but, in their first measure,—the placing of lady Arabella Stuart on the throne,—they were all agreed. It has been mentioned in a former part of this work, that Henry the eighth, by his will, limited the crown, in default of issue of his daughters Mary and Elizabeth, to Eleanor, the second daughter of his younger sister Mary, and the heirs of her body, to the entire exclusion of the Scottish line, or the descendants of Margaret his eldest sister. The validity of his will was questioned ; and, so far as it regarded the limitation of the crown to the lady Eleanor, it was entirely disregarded. Margaret, as we have seen, was married, first to James the fourth of Scotland, and after his decease, to Archibald earl of Angus. James, the English king, was the great-grandson and heir of the first mar-

* More, p. 386.

riage ; lady Arabella Stuart was the great-grand-daughter and heiress of the second. By the act of the twenty-seventh of queen Elizabeth, a person found guilty of pretending to the crown, or attempting any invasion, insurrection, or assassination against queen Elizabeth, was excluded from all claim to the succession. The queen of Scots was evidently within the provisions of this act ; and, supposing it to extend to James, the lady Arabella was legal heir to the crown*.

Some time before the death of Elizabeth, Cecil, by the mediation of sir George Hume, afterwards created earl of Dunbar, made his peace with James, and afterwards kept a correspondence with him, through the remainder of the reign of Elizabeth. On the accession of James to the throne of England, he gave his entire confidence to Cecil, and neglected Raleigh. This irritated the latter †, and brought him into acquaintance and familiarity with men as discontented as himself ; differing in their views, but agreeing in the wish of a new order of things, and particularly in the removal of James,

* This was strongly urged against James, by Persons. (Doleman, part ii. ch. iv.)

† Kennett, (Compl. Hist. of England, vol. ii. p. 663), says, that Raleigh presented a memorial to James, in which, " with a singular bitterness of style, he vindicates queen Elizabeth from the death of Mary, and lays the death of that unfortunate queen, chiefly at the door of Cecil, the monarch's minister, and his father ; for which he appeals to Davison, then in prison, the man that had despatched the warrant for her execution, contrary to queen Elizabeth's express command."

and the placing of the crown on Arabella, as a necessary measure to accomplish their objects. A conspiracy was never framed of more discordant materials: Raleigh was generally thought to be a deist; lord Grey was a puritan, lord Cobham a professed debauchee; they were joined by half-a-dozen other gentlemen, and by Watson and Clarke, two roman-catholic priests. All were tried, and found by the jury to have been guilty of high treason. The execution of sir Walter Raleigh was respited; Cobham, Grey, and Markham, were pardoned; Brooke, Watson, and Clarke, suffered the punishment of traitors. "The two priests," says an eye witness, in a letter published in the Hardwicke State Papers*, "led the way to the execution, and were both very bloodily handled; for they were both cut down alive; and Clarke, to whom favour was intended, had the worse luck, for he both strove to help himself, and spoke after he was cut down. They died boldly both; Watson, as he would have it seem, willing; wishing he had more lives to spend, and one to lose for every one he had by his treachery drawn into this treason. Clarke stood somewhat upon his justification, and thought he had hard measure; but imputed it to his function, and therefore thought his death meritorious, a kind of martyrdom."

The whole of this transaction is yet a mystery. Sir John Hawles, solicitor general in the reign of

* Vol. i. p. 377.

William the third *, remarks, that “ what was “ proved against the lords Cobham and Grey, “ Watson and Clarke, does not appear ; or how “ their trials were managed.—He declares it to be “ plain, that, in his day, sir Walter Raleigh’s was “ thought a sham plot.—“ *Aquæ turbatae sunt*,” says Wilson †, the biographer of James, “ *et nemo “ turbavit.*”

Whatever may have been the part of Watson or Clarke in this transaction, the catholics have never placed them among the sufferers on account of religion, or thought them entitled to particular commiseration.

It is observable, that both Watson and Clarke were strenuously opposed to the Spanish party, and that each had written with great vehemence against the jesuits, as its active partisans. Both, on the scaffold, acknowledged, and asked pardon of the society for, the intemperance of their writings. “ It was very fit,” says Dodd, in his account of Watson, “ that he should make a disclaim of his “ passion, and several groundless aspersions, which “ he had uttered ‡.”

* Reply to sir Bart. Shower’s “ Magistracy and Government “ of England vindicated,” p. 32 ; and see Winwood’s Mem. vol. ii. p. 8, 11.

† Life of James I.

‡ Vol. ii. p. 380.

CHAP. XLIII.

THE DISPOSITION OF JAMES THE FIRST TOWARDS
THE CATHOLICS AT HIS ACCESSION TO THE
THRONE: HIS IMMEDIATE PROCLAMATION,
AND LAWS AGAINST THEM: THEIR DISAP-
POINTMENT AND FEELINGS.

THAT the disposition of James the first, when he ascended the throne of England, was favourable to the roman-catholics, was certainly, at that time, universally believed. His mother, the unfortunate queen of Scots, and George Darnley, his father, were catholics, and James was baptised by a catholic priest, and confirmed by a catholic prelate. He was known to be fond of the solemnity of the religious service of the catholics. Their hierarchy, the general habits of obedience, which they show to their pastors, and which the inferior clergy show to the superior, accorded with his notions of subordination, and seemed to him, as they certainly are, excellently calculated to dispose the mass of the body to general order and regularity. On the other hand, he was disgusted with the total absence of gradation of rank in the presbyterian ministry, with their gloomy devotions, and levelling doctrines. Their frequent disturbances of the government, and the personal insults, which they had offered both to his mother and himself, increased this disgust. He could not but recollect that the catholics had been steadily attached to his mother under all

her afflictions, while the presbyterians had been their principal cause. When, therefore, he acceded to the English throne, it was generally expected that some degree of favour would be shown to the catholics. They hoped for a repeal of the sanguinary part of the laws enacted against them, and that the exercise of their religious worship, under certain gentle restraints, would be allowed them.

These just and rational hopes were strengthened by declarations in their favour, which the monarch had made to several individuals. It was even said that secretary Cecil, in a conversation with some catholics of distinction, had assured them that the king would not frustrate their expectations*. It may be added, that from every part of his conduct the king appears to have had much more liberal notions of religious toleration than the generality of his contemporaries.

Neither were the catholics wanting to themselves : immediately after the accession of James, the catholic gentlemen of England signed an address to his majesty, dutifully and loyally expressed, and praying for a toleration of their religion : it was presented in July 1604†. It is written with great perspi-

* See a curious passage in Winwood (Mem. vol. ii. p. 136):—sir Everard Digby, on his trial, charged Cecil, publicly, with having made this promise.

† The draft of it was printed with the following title : “ A Supplication to the King’s most excellent Majestie, wherein several reasons of state and religion are briefly touched : not unworthy to be read, and pondered by the lords, knights, and burgesses of the present parliament, and other of all estates. Prostrated at his highness’ feet by true affected sub-

cuity and force, but in the language of moderation and respect. The subscribers explain the reason of their former silence, and of their actual address. They observe that queen Elizabeth always professed to punish none for religion: they expressly mention that the first twelve years of her reign, "as they were free from blood and persecution, so they were fraught with all kind of worldly prosperity."—They attribute the sanguinary laws, afterwards enacted by her, to the jealousy which she entertained of the Scottish queen, to the sentence of the catholic church on the invalidity of Henry's divorce, and to the excommunications promulgated against her: they state succinctly the reasons of their adherence to the catholic religion; and dwell with great force on the proofs which the catholics had given of their loyalty:—they observe that, when the armada threatened the coast, "the catholics beseeched, they importuned to be employed in the service, with their sons, their servants, and their tenants, at their own charge; to

"jects. Nos credimus propter quod et loquimur. 2 Cor. iv. 13.
 "We believe, for the which cause we speak also. 1604, 8vo."
 It was afterwards enlarged; and, so enlarged, was signed and presented. It was then printed with the following title:
 "A Petition Apologeticall, presented to the King's most excellent Majesty by the Lay Catholics of England, in July last. In eo quod detractent de vobis tanquam de malefactoribus, ex bonis operibus vos considerantes glorificent Deum in die visitationis. And wherein they misreport of you as malefactors, by the good works considering you they may glorify God in the day of his visitation. 1 Pet. iii. 12. Printed at Douay, by John Mogar, at the sign of the Compass, 1604."

“ be placed in the first front of the battle ; to be
“ placed unarmed in their shirts before the foremost
“ ranks of the battles, to receive in their bodies the
“ first volley of the enemy’s shot, to leave an un-
“ doubted testimony, by that their death, to stop
“ the mouths of the serpentine maligners, of their
“ unspotted integrity, and true English loyalty.”

They mention that, after the dispersion of the armada, a protestation of duty and allegiance was sent to Wisbeach castle, and tendered to be signed by the roman-catholics imprisoned there for their religion ; that it was read to each individually ; that they were not permitted to confer upon it, but that each was desired to write his own profession of allegiance. “ This,” they say, “ was performed
“ in that ample manner, by the prisoners, that the
“ commissioners, singularly extolling and greatly
“ preferring the same, before the said original,
“ accepted thereof,” and sent it to the lords of the privy council, “ to whom the said protestation being
“ sent, and by them perused, they received such a
“ full approbation, that after that time, never any
“ odious imputations against the fidelity of the
“ catholics prevailed.” They dwell on the loyal conduct of the Irish catholics when the Spaniards landed at Kinsale in 1600 : “ The argument of our
“ former behaviour,” they say, “ and of our obedience under the severity of the late queen, may,
“ in all reason, assure your majestie, that, in matter
“ of our loyalty, we are like pure gold, fined and
“ refined in the fire of many years probation, and
“ therein not to be in anywise stained.”—They

proceed to contrast their own loyalty, with the contrary conduct of their accusers ; they conclude by assuring his majesty, that nothing could or ever should divide them from subjection and dutiful affection to him.

To this address a short " letter of the banished " priests, to the lords of the privy council," is added, " beseeching their honours will conceive of " them, as of men that have the fear and grace of " God before their eyes, and the sincere love of their " prince and their country in their hearts*."

But soon after James ascended the throne, circumstances took place, which induced the catholics to believe that there was no reason to expect from him any mitigation of the penal laws, under which they suffered. In the February after his accession to the throne, he convened his council, and assured them, that " he never had an intention of granting " toleration to the papists ;" that, " if he thought " his son would condescend to any such course, " he would wish the kingdom translated to his " daughter ;" that, " the mitigation of the pay-

* An answer to this address was published under the title of " A Supplication of certain Masse Priests, falsely called " Catholicks. Directed to the king's most excellent majesty, " now this time of parliament, but scattered in corners, to " moove malcontents to mutinie. Published with a marginall " glosse, and an answer to the libellers reasons, againe re- " newed and augmented, and by sections applied to the severall " parts of the supplicatory defamation. James iv. *Petitis et* " *non accepitis, eo quod male petitis. Yee supplicate, and* " *do not obtain, because yee ask lewdlie. 2 Cor. vi. What* " *agreement has the temple of God with idols?* London, im- " printed for Wm. Aspley, 1604."

“ments of the recusant catholics*, was in consideration that not any one of them had lifted up his hand against him, at his coming in; and so he gave them a year of probation to conform themselves: which, seeing it had not wrought that effect, he had fortified all the laws that were against them, and made them stronger, (saving from blood, from which he had a natural aversion), and commanded that they should be put into execution to the uttermost.”—His intentions in this respect were signified publicly by the lords in the star-chamber, and by the recorder to the lord mayor and city of London†. The arrears of the fines due for recusancy, were immediately collected with great rigour.

He afterwards issued a proclamation; in which, after adverting to the disputes between the established church and the dissenters, and intimating his hopes of a speedy and satisfactory settlement of these, he announced, that “a greater contagion to the national religion than could proceed from those light differences, was imminent, by persons, common enemies to them both;—namely, the great number of priests, both seminarists and jesuits, abounding in the realm;—partly upon a vain confidence of some innovation in matter of religion, to be done by him, which he never intended, nor gave any man cause to expect.” He therefore commanded all manner of jesuits,

* That is,—of the forfeitures which they had incurred for recusancy.

† Winwood, vol. ii. p. 49.

seminarists, and other priests whatsoever, to depart from the realm, and never to return, upon pain of being left to the penalty of the law, without hope of favour or remission.

His majesty then sent for the judges, and gave them a strict charge to be diligent and severe in their circuits against recusants, and to execute the laws against them, particularly those laws, which ordered their banishment or confinement : " Yet," writes sir Henry Neville, in a letter giving this information to his majesty's minister at Madrid, " it is generally feared that there will be none of the priests executed ; without which, I doubt," says sir Henry, " all the other provisions will be fruitless ; yet, they are the root and foundation of all the mischief. It seems the rule is here forgotten, *d'être tout bon ou tout mauvais* ; this *via di mezzo* is always the worst *."

It was known to the catholics that similar counsels had been pressed on his majesty from other quarters.

But nothing alarmed them more than an expression imputed to Dr. Bancroft, who had recently

* Winwood, vol. ii. p. 77, 78.-- This minister was succeeded by sir Charles Cornwallis : many letters of sir Charles are inserted in Winwood's Memoirs ; they show his vigilance over every movement of the Spanish party ; he describes the persons, the dress, and even the hair of suspected individuals, who passed from Spain into England.—In one of his letters, he informs his majesty's ministers, that, in a particular barrel in the cellar of a wine merchant in London, whom he names, they would find an instrument for framing and imprinting the bread wafers, intended to be consecrated for the service of the altar.

been translated from the see of London to that of Canterbury. Some catholics having waited upon him, and represented to him their distressed situation, and implored his exertions to procure a repeal of the severer part of the laws, which had been passed against them, Bancroft sternly told them, that "the measures of Elizabeth, which they thought severe, would be found mild, indeed, in comparison with those, which were soon to be passed and executed in earnest against them;" that, "in the latter part of the reign of Elizabeth, it had been thought advisable to pursue a middle course in their regard, inclining rather to mildness than severity, not amounting to absolute impunity, nor yet to punishment equal to their merits;" that "this conduct had been adopted by her majesty's ministers, because they could not foresee what would take place at her decease;" that "if the wrath of heaven should then place a popish king on the throne, he might retaliate on the protestants, that persecution, which they had inflicted on the catholics during the reign of her majesty; in like manner as they had revenged the sufferings of the catholics, in the reign of Edward the sixth, upon the protestant subjects of Mary: but, thanks to God!" says the archbishop, "these apprehensions are at an end: the king is firmly seated on his throne, and is blessed with issue, who are our security for the future. Thus the time is come, when we may act against the catholics without dissimulation or mercy, that is, exterminate them*."

* Bartol. Ist. lib. iv. c. 3.

The proclamation of James, was speedily followed by a statute*, which enacted, that the laws of queen Elizabeth against jesuits and seminary priests should be put into execution. Two third parts of the real estates of every offender were directed to be seized for recusancy, and all who had been, or were educated in seminaries, were rendered incapable of taking landed property by descent †.

At the solicitation of the English catholics, the emperor and the kings of France, Spain, and Poland, interceded with James, for some relaxation of the penal laws enacted against them. When the constable of Castile came into England to ratify the peace, which had been concluded between the monarchs, he particularly pressed this measure on James. It is said that Cecil dissuaded him from listening to these solicitations, by suggesting to him, that, "whatever favour might be shown to the catholics, it was evidently for the interest and honour of the British sovereign, that these should not be considered by them to be owing to the exertions of any foreign potentate, but to proceed entirely from his majesty's spontaneous feelings." Care, therefore, was taken to make it publicly known, that the peace was signed between

* 1 Jac. I. c. 4.

† Father Juvenci assigns, for these several enactments, a cause which certainly did not exist: "The catholics," says the good father, "were in the habit of submitting their differences to the arbitrement of priests. To see themselves deprived of the source of gain, afflicted the lawyers, who are supported by quarrels and dissensions, as physicians are by sicknesses and deaths." *Hist. Soc. Jesu, lib. xiii. p. 41.*

the kingdoms without any stipulation in favour of the catholics ; or any secret understanding that they were to be relieved, in the slightest manner, from the severities of the penal code.

The disappointment of the catholics was now very great ; they had fallen, from a high degree of hope, into absolute despair : the general body submitted with patience ; but some ardent spirits exhibited alarming symptoms of resentment. The catholic clergy strove to moderate the feelings, more natural than excusable, of these angry men ; they even went so far as to solicit from the Roman pontiff an authoritative exhortation, to the general body, to bow in patience to the storm, with which they were threatened ; and to bear, with religious feelings of resignation and hope, its dreadful visitation.

CHAP. XLIV.

THE GUNPOWDER CONSPIRACY.

1606.

WE now reach an event, which subjected the English roman-catholics to more than a century of persecution and general odium. It is equally our duty and intention to present a full and an impartial account of it to our readers. For this purpose, we shall transcribe, in the present volume, the relation which Hume gives of it in his History, but with the omission of some passages, in which we particularly distrust his accuracy. We shall insert, in the next

chapter, a translation of the account given of it, and especially of the part which father Garnett took in it, by father More* a jesuit, in his History of the English Mission of the Society of Jesus: in the following chapter we shall offer some observations on the conduct of father Garnett, and of some other jesuits implicated in the charge of participating in the conspiracy; and some remarks on the accusation brought against secretary Cecil of having contrived it. We shall then inquire, whether the guilt of the conspiracy can be justly imputed to the general body of the English catholics.—In the Appendix† we shall insert, from Winwood's Memorials, the account of it, which the British government appears to have transmitted to its foreign ministers.

“The roman-catholics,” says Hume, “had expected great favour and indulgence, on the accession of James. Very soon, they discovered their mistake; and were at once surprised and enraged, to find James, on all occasions, express his intentions of strictly executing the laws enacted against them; and of persevering in all the rigorous measures of Elizabeth. Catesby, a gentleman of good parts, and of an ancient

* The account given by father More of the plot, and of the conduct of father Garnett, is confirmed by a manuscript relation of them by father Gerard, who is afterwards mentioned in the text: it was written in English, and translated into Italian;—the thirteen first chapters of the translation have been seen by the editor. See also some excellent remarks on the plot in the Catholic Gentleman's Magazine for Aug. 1818, p. 489.

† See Appendix, Note I.

“ family, first thought of a most extraordinary
“ method of revenge ; and he opened his intention
“ to Percy, a descendant of the illustrious house
“ of Northumberland. In one of these conversa-
“ tions, with regard to the distressed condition of
“ the catholics, Percy, having broke into a sally
“ of passion, and mentioned assassinating the king,
“ Catesby took the opportunity of revealing to him
“ a nobler and more extensive plan of treason,
“ which not only included a sure execution of ven-
“ geance, but afforded some hopes of restoring
“ the catholic religion in England. In vain, said
“ he, would you put an end to the king’s life ; he
“ has children, who would succeed, both to his
“ crown, and to his maxims of government ; in vain
“ would you extinguish the royal family. The
“ nobility, the gentry, the parliament, are all in-
“ fected with the same heresy ; and could raise to
“ the throne another prince, and another family,
“ who, besides their hatred to our religion, would
“ be animated to revenge for the tragical death of
“ their predecessors. To serve any good purpose,
“ we must destroy at one blow the king, the royal
“ family, the lords, the commons ; and bury all
“ our enemies in one common ruin. Happily they
“ are all assembled, on the first meeting of parlia-
“ ment ; and afford us the opportunity of glorious
“ and useful vengeance. Great preparations will
“ not be necessary or requisite. A few of us, com-
“ bining, may run a mine below the hall, in which
“ they meet, and, choosing the very moment, when
“ the king harangues both houses, consign over

“ to destruction these determined foes to all piety
 “ and religion. Meanwhile, we ourselves, stand-
 “ ing aloof, safe, and unsuspected, shall triumph
 “ in being the instrument of divine wrath ; and
 “ shall behold, with pleasure, those sacrilegious
 “ walls, in which were passed the edicts for pro-
 “ scribing our church, and butchering her children,
 “ tossed into a thousand fragments ; while their
 “ impious inhabitants, meditating, perhaps, still
 “ new persecutions against us, pass from flames
 “ above to flames below ; there for ever to endure
 “ the torments due to their offences*.

“ Percy was charmed with this project of Cates-
 “ by ; and they agreed to communicate the matter
 “ to a few more, and among the rest to Thomas
 “ Winter, whom they sent over to Flanders, in quest
 “ of Fawkes, an officer in the Spanish service, with
 “ whose zeal and courage they were all thoroughly
 “ acquainted.

“ All this passed in the spring and summer of
 “ the year 1604 ; when the conspirators also hired
 “ a house, in Percy’s name, adjoining to that in
 “ which the parliament was to assemble. Towards

* It is needless to inform the intelligent reader, that this is not a speech really made by Catesby to Percy, but a speech put, by Hume, into Catesby’s mouth, after the manner of ancient historians. The ascription of set speeches to persons, by whom they were not made, is the subject of some excellent remarks of the late Mr. Whitaker, in his *Observations on the third Improvement of Historical Narrative*, and his comparison of the discourse actually spoken by the emperor Claudius, with that put into his mouth by Tacitus. “ *Review of Gibbon’s History*, p. 3—13.”

“ the end of that year, they began their operations.
“ That they might be less interrupted, and give
“ less suspicion to the neighbourhood, they carried in a store of provisions with them, and never
“ desisted from their labour. Obstinate in their
“ purpose, and confirmed by passion, by principle,
“ and by mutual exhortation, they little feared
“ death, in comparison of a disappointment ; and
“ having provided arms, together with the instruments of their labour, they resolved there to
“ perish, in case of discovery. Their perseverance
“ advanced the work ; and they soon pierced the
“ wall, though three yards in thickness ; but on
“ approaching the other side, they were somewhat
“ startled at hearing a noise, which they knew not
“ how to account for. Upon inquiry, they found,
“ that it came from the vault below the house of
“ lords ; that a magazine of coals had been kept
“ there ; and that, as the coals were selling off, the
“ vault would be let to the highest bidder. The opportunity was immediately seized ; the place hired
“ by Percy ; thirty-six barrels of powder lodged
“ in it ; the whole covered up with faggots and billets ; the doors of the cellar boldly flung open ;
“ and every body admitted, as if it contained nothing dangerous.

“ Confident of success, they now began to look
“ forward ; and to plan the remaining part of their
“ project. The king, the queen, and prince Henry,
“ were all expected to be present at the opening
“ of parliament. The duke, by reason of his tender age, would be absent ; and it was resolved

“ that Percy should seize him, or assassinate him.
“ The princess Elizabeth, a child likewise, was
“ kept at lord Harrington’s house in Warwickshire;
“ and Sir Everard Digby, Rookwood and Grant,
“ being let into the conspiracy, engaged to as-
“ semble their friends, on pretence of a hunting
“ match; and seizing that princess, immediately
“ to proclaim her queen. So transported were
“ they with rage against their adversaries, and so
“ charmed with the prospect of revenge, that they
“ forgot all care of their own safety; and trusting
“ to the general confusion, which must result from
“ so unexpected a blow, they foresaw not that the
“ fury of the people, now unrestrained by any au-
“ thority, must have turned against them; and
“ would probably have satisfied itself by an uni-
“ versal massacre of the catholics.

“ The day, so long wished for, now approached,
“ on which the parliament was appointed to
“ assemble. The dreadful secret, though com-
“ municated to above twenty persons, had been
“ religiously kept, during the space of near a
“ year and a half. No remorse, no pity, no fear
“ of punishment, no hope of reward, had, as yet,
“ induced any one conspirator, either to abandon
“ the enterprise, or make a discovery of it. The
“ holy fury had extinguished in their breast
“ every other motive; and it was an indiscre-
“ tion at last, proceeding chiefly from these very
“ bigoted prejudices and partialities, which saved
“ the nation.

“ Ten days before the meeting of parliament,

“ lord Monteagle, a catholic, son to lord Morley,
“ received the following letter, which had been
“ delivered to his servant, by an unknown hand :—

“ ‘ My lord, out of the love I bear to some of
“ your friends, I have a care of your preservation.
“ Therefore I would advise you, as you tender your
“ life, to devise some excuse to shift off your at-
“ tendance at this parliament. For God and man
“ have concurred to punish the wickedness of this
“ time. And think not slightly of this advertise-
“ ment; but retire yourself into your country, where
“ you may expect the event in safety. For, though
“ there be no appearance of any stir, yet, I say,
“ they will receive a terrible blow, this parliament,
“ and yet they shall not see who hurts them. This
“ counsel is not to be contemned; because it may
“ do you good, and can do you no harm. For, the
“ danger is past, as soon as you have burned the
“ letter. And, I hope, God will give you grace to
“ make good use of it, unto whose holy protection
“ I commend you.’

“ Monteagle knew not what to make of this
“ letter; and, though inclined to think it a foolish
“ attempt to frighten and ridicule him, he judged
“ it safest to carry it to Cecil, who had been created
“ earl of Salisbury, and made secretary of state.
“ Though Salisbury, too, was inclined to pay little
“ attention to it, he thought proper to lay it before
“ the king, who came to town a few days after. To
“ the king it appeared not so light a matter; and
“ from the serious earnest style of the letter, he
“ conjectured, that it implied something dangerous

"and important*. A *terrible blow*, and yet the
" *authors concealed*; a danger *so sudden*, and yet
" *so great*; these circumstances seemed all to de-
"note some contrivance by gunpowder, and it was
"thought advisable to inspect all the vaults below
"the houses of parliament. This care belonged
"to the earl of Suffolk, lord chamberlain; who
"purposely delayed the search, till the day before
"the meeting of parliament. He remarked those
"great piles of wood and faggots, which lay in the
"vault, under the upper house; and he cast his
"eye upon Fawkes, who stood in a dark corner;
"and passed himself for Percy's servant. That
"daring and determined courage, which so much
"distinguished this conspirator, even among those
"heroes in villainy, was fully painted in his coun-
"tenance, and was not passed unnoticed by the
"chamberlain. Such a quantity also of fuel, for
"the use of one, who lived so little in town as
"Percy, appeared a little extraordinary; and, upon
"comparing all circumstances, it was resolved, that
"a more thorough inspection should be made.
"About midnight, sir Thomas Knivet, a justice of
"peace, was sent, with proper attendants; and

* The merit of justly conjecturing the true nature of the threatened outrage has been denied to James; but his constitutional timidity would suggest the danger, and his father's murder would readily present to his imagination its nature and horrors. This is observed by Mr. Laing. (Hist. of Scotland, lib. i.) It is, however, highly probable that his majesty was led to the conjecture by Cecil: we shall afterwards show, that the minister was apprised of it, before lord Monteagle received the letter which immediately occasioned the discovery.

“ before the door of the vault, finding Fawkes, who
“ had just finished all his preparations, he immediately seized him ; and turning over the faggots, discovered the powder. The matches, and
“ every thing proper for the setting fire to the train,
“ were taken in Fawkes’s pocket ; who, finding his
“ guilt now apparent, and seeing no refuge but in
“ boldness and despair, expressed the utmost regret
“ that he had lost the opportunity of firing the
“ powder at once, and of sweetening his own death
“ by that of his enemies. Before the council, he
“ displayed the same intrepid firmness, mixed even
“ with scorn and disdain, refusing to discover his
“ accomplices, and showing no concern, but for the
“ failure of the enterprise. This obstinacy lasted
“ two or three days. But, being confined to the
“ Tower, left to reflect on his guilt and danger, and
“ the rack being shown to him, his courage, fatigued with so long an effort, and unsupported
“ by hope or society, at last failed him, and he
“ made a full discovery of all the conspirators.

“ Catesby, Percy, and the other criminals, who
“ who were in London, though they had heard of
“ the alarm taken at the letter sent to Monteagle,
“ though they heard of the chamberlain’s search,
“ yet were resolved to persist to the utmost, and
“ never abandon their hopes of success. But, at
“ last hearing that Fawkes was arrested, they hurried down to Warwickshire ; where sir Everard
“ Digby, thinking himself assured that success had
“ attended his confederates, was already in arms,
“ in order to seize the princess Elizabeth. She had

“ escaped into Coventry ; and they were obliged
“ to put themselves on their defence against the
“ country, who were raised from all quarters, and
“ armed by the sheriff. The conspirators, with all
“ their attendants, never exceeded the number of
“ eighty persons ; and being surrounded on every
“ side, could no longer entertain hopes either of
“ prevailing or escaping. Having, therefore, con-
“ fessed themselves, and received absolution, they
“ boldly prepared for death ; and resolved to sell
“ their lives as dear as possible to the assailants.
“ But, even this consolation was denied them.
“ Some of their powder took fire ; and disabled
“ them for defence. The people rushed in upon
“ them. Percy and Catesby were killed by one
“ shot. Digby, Rookwood, Winter, and others,
“ being taken prisoners, were tried, confessed their
“ guilt, and died, as well as Garnett, by the hands
“ of the executioner.

“ The lords Mordaunt and Stourton, two catho-
“ lics, were fined, the former 10,000*l.* the latter
“ 4,000*l.* by the star-chamber, because their ab-
“ sence from parliament had begotten a suspicion of
“ their being acquainted with the conspiracy. The
“ earl of Northumberland was fined 30,000*l.* ; and
“ detained, several years, prisoner in the Tower ;
“ because, not to mention other grounds of sus-
“ picion, he had admitted Percy into the number
“ of gentlemen pensioners, without his taking the
“ requisite oaths.

“ The king, in his speech to the parliament, ob-
“ served, that though religion had engaged the

“ conspirators into so criminal an attempt, yet,
“ ought we not to involve all the roman-catholics
“ in the same guilt, or suppose them equally dis-
“ posed to commit such enormous barbarities.
“ Many holy men, he said, and our ancestors
“ among the rest, had been seduced to concur with
“ that church, in her scholastic doctrines; who
“ yet, had never admitted her seditious principles,
“ concerning the pope’s power of dethroning kings,
“ or sanctifying assassination. The wrath of hea-
“ ven is denounced against crimes; but innocent
“ error may obtain its favour; and nothing can be
“ more hateful, than the uncharitableness of the
“ puritans, who condemn alike to eternal torment,
“ even the most inoffensive partisans of popery.
“ For his part, he added, that the conspiracy, how-
“ ever atrocious, should never alter, in the least, his
“ plan of government; while with one hand he
“ punished guilt, with the other he would still sup-
“ port and protect innocence.” After this speech, he
“ prorogued the parliament till the 22d of January.

CHAP. XLV.

TRIAL OF FATHER GARNETT, OF THE SOCIETY
OF JESUS, AND OTHERS, FOR THE GUNPOWDER
CONSPIRACY.

“ JAMES,” says father More; “ on his accession
“ to the important government of England, with a
“ view to conciliate the minds of every party, had
“ made vast promises to all; and particularly to

“ those catholics, whom high family rendered respectable at home, and whom exile had introduced to the notice and esteem of persons of distinction in foreign countries. He had either explicitly promised, that the severity of the laws against the catholics should be mitigated; or by showing that the inhumanity of Elizabeth’s penal code was foreign to his disposition, had not obscurely intimated that the catholics should enjoy, under his reign, a free exercise of their religion. The religion of his mother also raised this hope; he himself, though he had deviated from it but it was in his boyhood, and was thought to be owing more to the calamity of the times than to his own judgment. Nor could a courier, privately sent by the king to the pontiff, the cardinal Aldobrandini, and others, steal so secretly into the holy city, without its coming to the ears of the public; and that very circumstance, such as it was, upheld the hope of the moderation of the monarch; but it soon began to be observed, that the universal favour, both of his subjects and of the neighbouring potentates, having rendered him quite secure in the possession of the throne, he seemed to give a more ready ear to the old ministers of Elizabeth. These considered that too much indulgence was always shown to the catholics, if they were not in a state of absolute oppression; and they were now perhaps of opinion, that it was less proper to grant them any indulgences, as the rigid Calvinists, whose restlessness James had for many

“ years experienced in Scotland, were still kept
“ under some restraints. Hence, before the first
“ year of his reign was elapsed, a bill was brought
“ into the parliament convened on the 19th of
“ March, in which all the laws, which Elizabeth
“ had enacted against the catholics, were directed
“ to be put in force, not only against priests and
“ jesuits, but also against all persons of that com-
“ munion.” This is the act mentioned in the
preceding chapter.—Father More then states the
proclamation, which we have also noticed, and
proceeds as follows :—

“ After these acts were passed, and when a pe-
“ tition of the catholics, in which they had most
“ humbly prayed for some relaxation of the laws
“ enacted for their destruction, had been rejected;
“ the hope of a more moderate government was
“ wholly extinguished in the hearts of many catho-
“ lics; this was so much more the case, as they
“ had lost all confidence in the king. Contrary to
“ what he had declared not long before, he now
“ expressly avowed, that it had ever been far from
“ his intention to make any new law on the subject
“ of religion: and although the priests were princi-
“ pally pointed at by the act, which he had passed;
“ yet the penalties of it were equally denounced
“ against the whole body; for, in the first place,
“ no one could be secure in his own house from
“ persecution and vexation; and, in the next place,
“ every one who received a priest into his house,—
“ (and without the presence of a priest he could
“ not exercise his religion),—incurred by James’s

“law, if the priest was found in it, the guilt of
“high treason.

“Add to this, that the fourth section of the act;
“passed in the first session of the parliament, ex-
“tended to all the former laws which had been
“enacted against catholics, and, by the royal assent;
“gave them new activity. What could be ex-
“pected, or looked for, from a man, who, after he
“had experienced, during a long series of years;
“the attachment of the catholics, and the hostility
“of the puritans to himself and his mother, while
“he reigned in Scotland, now professed, without
“any reason, that he had more to dread from the
“catholic priests than from the rigid calvinists?
“I say, what could be expected from such a man,
“but that he would persecute the catholics with
“that hatred which the puritans in Scotland had
“so much merited? What the proclamation says
“respecting the danger, which the king had in-
“curred from the catholics not many months be-
“fore, is not intelligible: for, although the priests,
“Watson and Clarke, were found in sir Walter
“Raleigh’s conspiracy, and perhaps suffered death
“deservedly, yet not even the anti-catholics them-
“selves can make out what ought to be thought of
“that conspiracy.—‘This conspiracy,’ (says Wil-
“son, in the History of those times), ‘put on such
“a face, that few or none can discover or know
“what to make of it. That the muddy waters
“were stirred, was apparent, but it was with such
“a mixture, that little could be visible in it. The
“lords Grey and Cobham, and sir Walter Raleigh,

“ were protestants ; why should they strive to alter
“ religion, though the priests, Markham, Baynham,
“ and others might ? But it seems they joined to-
“ gether in a politic way, every one intending his
“ own ends : discontent being the ground-work
“ upon which they built this slight superstructure,
“ that, being huddled together, could not stand
“ long. Raleigh’s great accuser was a letter of
“ Cobham’s, which, some say, afterwards he de-
“ nied to be in his hand. Some of the conspira-
“ tors may have desired to seem formidable, venting
“ their anger so, for being slighted : others strove
“ to make themselves so, that they might have the
“ glory of enlarging the Roman powers ; or they
“ joined together, thinking their single strength
“ would not prevail. In this cloud, looking for
“ Juno they begot a monster, which having neither
“ head nor foot, some part lived, the other died *.
“ —The two priests atoned for their rashness by
“ their death ; Markham and Baynham, though
“ catholics, expiated their fool-hardiness by banish-
“ ment ; and, of the protestants, some were punished
“ by death, others by the loss of their estates. In
“ this manner, the new king thought proper to
“ disperse the gloom, which had sprung up so un-
“ seasonably ; but, from whatever quarter the dis-
“ turbance arose, the ministers of James took care
“ that not the naked fact, but an exaggerated ac-
“ count of it, should be spread among the people,
“ in order that suspicion might fall on the most

* The writer has given in this place Wilson’s own words, not More’s translation of the passage which contains them.

“innocent, and government avail themselves of it, whenever it could be made available to their views. This ought to have contained the catholics against all such attempts: but who can contain, within the bounds of duty, minds both untamed and exasperated by long persecution?

“The first parliament had petitioned, that none of the laws enacted by Elizabeth against the catholics should be repealed; to this, James assented. In the chamber, called the star-chamber, after a long discussion before the king, in the year 1604, on the subject of the catholics, it had been determined that the pecuniary fines, to which they were subjected by law, should be continued, and letters were issued for putting this determination into execution. It added to the terror of the catholics, that, after the acts against them, which have been mentioned, and the banishment of many of the priests, the protestant archbishop, who had recently been translated from the see of London to that of Canterbury, was entreated to be lenient to the catholics, and to show what indulgence he could. To this, he made answer, that, in Elizabeth's days it was more necessary to dissemble, on account of the uncertainty of what would be the state of things at her death, as some catholic might then possibly succeed to the throne, who would be troublesome to the protestants; but that, as matters then stood, there was no ground, on which the catholics could hope for indulgence or kindness, the crown having been placed on the head of a lawful

“ successor ; and one too, who did not want lawful
“ heirs. Moreover, the new bishop of London
“ openly declared before the king in council, that
“ the royal family would, without doubt, be anni-
“ hilated, unless the catholics were utterly extir-
“ pated. Though it will appear that they prophesied
“ erroneously, yet some catholics of noble family
“ and high rank, inflamed, as it were, by these
“ firebrands, lost all patience, bent their minds to
“ vengeance, under a pretence of piety, and pro-
“ jected a monstrous and diabolical plot, at the
“ mention of which language shudders.

“ There are in the palace of Westminster, two
“ large halls, which adjoin each other, and are able
“ to hold more than six hundred persons ; here,
“ the king, the nobles, and a great number of the
“ commonalty are used to assemble at the opening
“ of parliament. In a hired vault, under this
“ building, the persons whom we have mentioned,
“ stored an immense quantity of gunpowder, and
“ covered it with faggots of wood, lest it should be
“ noticed. They also engaged a man to be ready,
“ with tinder and matches, by whom, at the time,
“ when all ranks should have assembled in parlia-
“ ment, at the opening of the second session, they
“ might overwhelm, crush into pieces, and suffocate
“ the king, the principal men of the nation, and
“ numbers of the general body of the people, by
“ the great mass of buildings, which would have
“ been thrown down, with a mighty crash ; and
“ then, during the general consternation and afflic-
“ tion for the loss of friends, and the extermination

“ of the king and the parliament, by this rash and
“ savage act of atrocity, re-model the kingdom after
“ their own fashion. For the accomplishment of
“ this object, in its full extent, their courage failed
“ them, when they reflected that many innocent
“ persons would perish with the guilty ; and that
“ the safety and lives of their friends, together with
“ those, whom they held in the light of enemies,
“ would not only be endangered but destroyed : it
“ was this, which was the cause of the discovery
“ of the conspiracy. For one of the conspirators
“ warned his friend, by letter, not to be present in
“ the house, if he had a regard for his life. When
“ this letter had been brought to the king, the
“ meeting of parliament having been postponed to
“ another day, the plot, which they had considered
“ as a perfect mystery, was discovered. When the
“ conspiracy was detected, the conspirators dis-
“ persed themselves in different directions ; some
“ strove to conceal themselves ; others determined
“ to hazard a battle. It was fought, and, after
“ some had been killed, the rest were taken, and,
“ after a regular trial, suffered the punishment of
“ this ill-advised scheme ; but there was no small
“ suspicion, that one of the nobility had been
“ apprised of the conspiracy long before the day
“ appointed for its breaking forth, and artfully pre-
“ tended ignorance of it, in order that many more
“ might be implicated. By this artifice, he endea-
“ voured to fix, on the fathers of the society of
“ Jesus, the imputation of having been the authors
“ of the conspiracy, or of having at least been privy

“ to it. The jesuits, upon whom this imputation was
“ attempted to be thrown, were Henry Garnett,
“ Edward Oldcorn, Oswald Tesimond, and John
“ Gerard ; of each of whom we shall have to speak
“ in the following narrative.

“ Henry Garnett of Nottingham, or, as others
“ write, of Henny, in the county of Derby, was
“ born of honourable parentage, in the year 1550.
“ When a youth, he went to Italy with Ægidius
“ Gallopi, and having been admitted into the
“ society of Jesus at Rome, on the 11th of Sep-
“ tember in the year 1575, he passed through the
“ elementary studies of a religious life, under
“ Fabius de Fabiis, a man not less remarkable for
“ the nobility of his ancestry, than his religious
“ austerity. Afterwards, turning his mind to the
“ studies of sacred and profane learning, and hav-
“ ing had Christopher Clavius, Francis Suarez,
“ Benedict Pereira, Robert Bellarmine, and other
“ eminent men for his instructors, he, in a short
“ time, arrived at that degree of knowledge, that
“ he gave public lectures, first, upon Hebrew lite-
“ rature, and afterwards upon metaphysics, in our
“ college at Rome. He was also chosen presi-
“ dent of the mathematical schools, on the sudden
“ illness of Clavius ; and this occupied him longer,
“ than was compatible with his zeal for the welfare
“ of his native country. He had been marked out
“ for the English vineyard, at his own most earnest
“ entreaties, in the year 1584. But, while he was
“ doing honour to his calling, Clavius being seized
“ with a most inveterate distemper, and his life

“ being despaired of, entreated the general of our
“ society to appoint Garnett his successor in the
“ professorship. The request of this excellent man,
“ who deserved so well of the church, was neces-
“ sarily complied with : but, two years after, when
“ Clavius recovered of his disorder, and had been
“ restored to himself and his schools, Garnett hav-
“ ing obtained the permission of his superiors, bent
“ his course to England, in company with Robert
“ Southwell, in the month of July in the year 1586.
“ There, when he had spent about two years in
“ administering to the welfare of his neighbours by
“ private exercise of his duty, he was appointed, in
“ consequence of the death of father Weston, who
“ then filled that office, to the office of superior of
“ the jesuits on the English mission. From this
“ time, he performed the part both of an active
“ missionary and an excellent superior, in so perfect
“ a manner, as made him honoured by his acquaint-
“ ance, loved by strangers, and admired by all.
“ There were indeed in him a penetrating genius,
“ a keen and solid judgment, a knowledge of many
“ subjects, a ready counsel, and singular ability ; to
“ these were added, experience, that mistress of
“ prudence, and, what are rarely united to these,
“ simplicity of manners, and an open unsuspicious
“ mind. He, moreover, possessed incredible mo-
“ deration, and a gentleness almost preternatural ;
“ you would say he was incapable of irregular pas-
“ sions ; he had a surprising ease of manners, and
“ an equal mixture of severity and mildness. In
“ his countenance, there was a modest pleasant-

“ness, which familiarity never debased, gravity
“never soured. These good qualities procured
“him equally the love and respect of strangers and
“of his acquaintance. So much so, that, even in
“this trial for treason, which was instituted against
“him by his adversaries, they could not refrain
“from praising him ; they confessed that he was
“not only held in great esteem and favour among
“the catholics, but even adorned by God and
“nature with many gifts ; noble by birth, of no
“ordinary talents, improved by cultivation, and
“skilled in many languages. This was so remark-
“able, that lord Northampton said to him on his
“trial,—Garnett ! your singular endowments, con-
“sidered in themselves, would now rather excite
“compassion than exasperate the feelings of your
“fellow men. For whom would not the capital
“conviction of such a man dispose to feelings of
“compassion and mercy, whether you consider his
“look or his carriage ? And shortly after, his lord-
“ship spoke with admiration of Garnett’s composed
“mind, his collected judgment, and the radiation
“of innocence by which he appeared to be invested.
“To mention the opinions, which the members of
“our own communion entertained of him,—father
“Persons observed, that, in the course of eighteen
“years, during which Garnett had presided over
“the jesuits, in the English mission, in changeable
“and difficult times, not a single catholic, not one
“even among those, who were ill-disposed towards
“the society of Jesus, at that time, either said or
“wrote to Rome any thing disadvantageous to the

“ character of Garnett: a strong proof both of his
 “ singular discretion and his blameless life. Such
 “ was the man,—(whom Bellarmine, once his pre-
 “ ceptor, did not hesitate to style incomparable in
 “ piety and learning of every kind),—who, when
 “ he had toiled for so many years in the English
 “ vineyard of Christ with so much labour, vigilance,
 “ and danger,—fell into the hands of the bitterest
 “ enemies of the church; and, being brought to
 “ trial upon a charge of treason, was the victim of
 “ a most unjust sentence, and publicly suffered
 “ death at London, on the third day of May, of
 “ the year 1606.—The affair was conducted in the
 “ following manner:—

“ The greater part of the contrivers of the gun-
 “ powder plot had, in their private examination,
 “ cleared the members of the society of Jesus from
 “ the guilt imputed to them; a circumstance which
 “ had been long felt by his majesty’s ministers,
 “ whose minute attention to what was going on in
 “ this affair, nothing escaped, and which had recently
 “ manifested itself in the course of the examina-
 “ tion of Bates, a servant of the conspirators. Nor
 “ did it seem very credible, that not one of the
 “ parties, engaged in the conspiracy, should have
 “ declared to the fathers a matter of such a cruel
 “ tendency, either for the purpose of asking advice,
 “ or of discovering a remedy. Our adversaries,
 “ therefore, began to fear that the matter would
 “ fail of raising a hatred and dislike of the catholic
 “ religion, if it should prove to have been confined
 “ to the knowledge of a few persons, and these,

" laymen ; they therefore resolved to involve the
 " jesuits in the odium of it. With this view, about
 " two months after the detection of the conspiracy,
 " while the whole kingdom yet thought that no
 " priest had taken a part in that affair, rumours
 " were spread, and gradually gained ground, that
 " Garnett, Greenway, (who is also called Tesimond),
 " and Gerard, had been discovered to have been
 " privy to the conspiracy. Afterwards,—this false
 " accusation was soon sanctioned by public autho-
 " rity, and the most virulent proclamations were
 " published through all England, in which Garnett
 " and his accomplices were said to have been con-
 " victed of the monstrous deed, by the confession
 " of the conspirators ; and the punishment of death
 " was denounced against every one, who should
 " entertain, assist, or conceal them. As we are
 " now upon the subject of the confession of the
 " conspirators, it will not be foreign to our purpose
 " here to subjoin a letter written upon their punish-
 " ment ;—from which it will clearly appear, what
 " ought to be thought of such a calumny. The
 " letter runs thus :—

" *Most dear sir !*

" *I doubt not, but an account of a plot contrived*
 " *among eight catholic youths of good family, with*
 " *a view to change the ancient constitution of the*
 " *kingdom, has been long ago reported to you.*
 " *All, (except four, who were killed,—Catesby;*
 " *Percy, and the two Wrights), were arrested ;—*
 " *namely, sir Everard Digby, Thomas Wintour,*

“ Ambrose Rookwood, John Grant, Robert Keys,
 “ Guy Faux, Robert Wintour, and Bates; the ser-
 “ vant of Catesby, and were executed on last Thurs-
 “ day and Friday sevennight, four at St. Paul’s,
 “ and four at Westminster. In the trial for high
 “ treason, the case was opened by the king’s attorney-
 “ general, and the chief guilt thrown by him upon
 “ the catholic priests, and jesuits; he said, that no
 “ conspiracy had ever existed, of which they had
 “ not been the authors; and, having recapitulated
 “ every plot, which had happened from the days of
 “ Elizabeth, he did not even pass over that of the
 “ earl of Essex, making the jesuits and catholics
 “ the framers also of that conspiracy. Sir Everard
 “ Digby, being brought up to trial, acknowledged
 “ himself guilty of having concealed the affair;
 “ but said, that beyond that, he had done nothing;
 “ that he was nowise concerned in the plot; but that,
 “ as he had offended the law by having concealed it,
 “ he was prepared to die. If his intentions could
 “ have any weight towards his exculpation, he had
 “ averred that he had no private object in any
 “ part of the affair, but had in view the common
 “ good of the catholics, for which he had ever been
 “ ready to expose his life, his property, his wife,
 “ and children, and whatever in the world could be
 “ dear to a man. He added, that the catholics
 “ would never have come to this state of despair, if
 “ any hope of an end of the grievances, under which
 “ they suffered, had dawned upon them; but that
 “ they had lost all hope, since the king had broken
 “ the promise, which he had made to them, on his

“ *copping to the throne. Upon this, Cecil rebuked*
“ *him for accusing the king, in so public a manner,*
“ *of want of faith; sir Everard replied that, either*
“ *what he said about the king was true, or that Cecil*
“ *had acted unfairly to his majesty, as he had pro-*
“ *mised, in the king's name, every indulgence to the*
“ *catholics, as Tresham, and many other men of*
“ *very good and approved credit, had reported from*
“ *his own mouth. He added, that, since he had*
“ *heard privately, that the jesuits and priests were*
“ *alleged to be implicated in this conspiracy, and*
“ *particularly Gerard, with whom he had been in-*
“ *timately acquainted, he openly made oath, that*
“ *neither in the sacrament of confession, nor on any*
“ *other occasion, had he himself ever disclosed any*
“ *thing, relative to this transaction, for he was well*
“ *aware, how much Gerard adhorred things of this*
“ *nature, and he himself imagined, that all other*
“ *members of the society were of the same disposi-*
“ *tion: so that, if any thing of that nature had*
“ *come to their knowledge, they would have discour-*
“ *tenanced it in every possible manner. Then, en-*
“ *treating the king to be pleased to permit his wife*
“ *and children to retain possession of the estates,*
“ *which he had settled on them before this conspiracy,*
“ *he concluded his address.*

“ ‘ *Thomas Wintour, having pleaded guilty, said*
“ *that he neither expected, nor craved pardon, but*
“ *prayed if it could be done, that his blood might*
“ *ransom that of his brother, whom he had drawn*
“ *into guilt. — Rookwood acknowledged himself*
“ *guilty, in no other respect, than that he had con-*

“ cealed the plot; that he had always been prepared
“ to undergo any disaster or danger for the sake of
“ religion; and prayed the king not to swerve from
“ law and justice in those things, which related to his
“ wife and children.

“ ‘ The other persons indicted spoke little: they
“ acknowledged themselves guilty, and openly de-
“ clared that they had thrown their lives on the
“ adventure, because they were not permitted to enjoy
“ them without interminable distress and vexation,
“ on account of their religion.

“ ‘ Guy Faux would not confess himself guilty,
“ because he said, that many things had been com-
“ prised in the indictment, which did not affect him.

“ ‘ Bates, only, entreated that he might be spared,
“ and his life saved. Much was said, on that day,
“ with great virulence against religion, against the
“ pope, and all the priests, especially against Baldwin
“ the jesuit, then in Belgium, Creswell in Spain,
“ Garnett, Gerard, and Tesimond, in England, as
“ being abettors of the conspiracy. A report was
“ also spread, at the instigation of the ministers,
“ that father Persons was not free from guilt, nor
“ even the pope himself, to whom it was reported
“ that Baynham was sent, for the purpose of ex-
“ plaining every circumstance that related to the
“ conspiracy. It was, moreover, rumoured, that
“ the kings of France and Spain, and the archduke,
“ were implicated in it, although we cannot believe
“ them to have been justly chargeable with any
“ guilt. As far as I have been able yet to learn,
“ the impeachment of the jesuits rests on no other

" foundation than the confession of Bates, who is
 " said to have accused Greenway, (or Tesimond),
 " as being privy to it ; on this ground, that Bates
 " asked him, in confession, whether he ought to obey
 " his master, if he ordered him to do something to
 " the injury of the state. All this is absolutely
 " denied by Tesimond ; and certainly Bates was so
 " desirous of living, that he seemed likely to say any
 " thing, in order to escape with impunity. I have
 " also heard from certain persons, not unworthy of
 " credit, that the pitiful fellow had confessed in pri-
 " son, that, in the hope of saving his life by it, he had
 " falsely accused some of our society. When in his
 " cell, he often looked round him, as if he expected
 " the news of his pardon ; a circumstance, which a
 " great many, who were present, noticed. Besides,
 " —by an order of the king, it was granted to him
 " alone, that the fatal rope should not be cut, until
 " he was dead ; which favour was granted to no
 " other*. Nor did the earl of Montgomery, who
 " was present at the execution, dare to promise, that
 " this indulgence should be shown to any, though
 " he protested, that he was much grieved, when he
 " saw them treated with so much cruelty. In ad-
 " dition to this circumstance, Cecil pleaded, stro-
 " nuously, in council, that favour and succour
 " might be shown to the wife and children of Bates ;
 " which proves, that Bates either did or said some-
 " thing, which recommended him to indulgence.

* We have mentioned that the populace present at Gar-
 nett's execution insisted that the same mercy should be shown
 to him.

" ' Thus far,—exclusive of the evidence of Bates,
 " there is nothing which can inculpate the jesuits,—
 " not even in the book which has been published on
 " this conspiracy,—nor in the examination of Faux,
 " or Wintour. Nor does even Cecil, in the book,
 " which he edited on the same subject, nor the bishop
 " of Rochester, in the printed sermon, which he
 " delivered at St. Paul's, adduce any particular
 " fact against the society. From all these circum-
 " stances it may be collected, rather that the minis-
 " try sought to inflame a prejudice against the mem-
 " bers of the society, than that just cause for such
 " prejudice did really exist. However, from these
 " trifling proofs, a proclamation was issued against
 " three members of the order, Garnett, Gerard, and
 " Greenway, as traitors;—their persons were de-
 " scribed, and a reward offered to those, who should
 " discover them.—It happened about this time, that
 " a gentleman of the name of Littleton, being con-
 " demned for treason at Worcester, because he had
 " received Robert Wintour into his house, intimated,
 " with a view to obtain his pardon, that Garnett lay
 " concealed at Mr. Abingdon's. Instantly they
 " searched Mr. Abingdon's house; smiths, masons,
 " and bricklayers were employed; and, after a dili-
 " gent search during many days, two hiding-places
 " were discovered; one, in which Garnett and Old-
 " corn, and the other, in which little John, Garnett's
 " servant, and Rodolph, Oldcorn's servant, lay hid:
 " —There also came into their hands, many other
 " priests and jesuits; and indeed so bloody a perse-
 " cution is now raging against the priests, that, in the

“ *natural course of human events, none can escape.*
 “ *They seem to have determined either to apprehend*
 “ *them all, or to starve them all to death in their*
 “ *hiding-places :—this necessity must be the case,*
 “ *if they persist in what they have begun ; for they*
 “ *beset every house in which they suspect a priest to*
 “ *be, as long as they think proper.*

“ ‘ *In this plight, are now the affairs of the catho-*
 “ *lics :—besides which, the parliament is now pro-*
 “ *jecting to accomplish its ends by new laws, and*
 “ *these much more grievous than those, which we*
 “ *have hitherto borne, so that our hope is to be placed*
 “ *in God alone,—to whom I desire to commend thee*
 “ *and myself. (On the sixth of February of the*
 “ *year 1606).’*

“ These particulars, respecting the conspiracy,
 “ were written by one, who seems to have been
 “ present at the trial ; and they coincide with the
 “ letter, which father Eudæmon Joannes pro-
 “ duces, as written by Bates to his confessor, a
 “ little while before he was carried away to be
 “ executed. His copy of this letter, father Eudæ-
 “ mon Joannes declares himself to have received
 “ from persons who transcribed it from the original,
 “ in Bates’s own hand-writing.—It is of the follow-
 “ ing tenor :—

“ ‘ *I said, in my last examination, that I supposed*
 “ *that Mr. Greenway had received some knowledge*
 “ *of the conspiracy ; of the others, I said nothing*
 “ *else positively, than that they were all seen by me*
 “ *in company with my master at Lord Vaux’s. I*
 “ *said too, that I saw Mr. Walley, (this was Gar-*

*“ net’s assumed name), with Mr. Greenway, after
“ the detection of the conspiracy ; which is true : for,
“ having been sent to that place, with letters, I
“ found some persons there, and returned with Mr.
“ Greenway to Wintour’s, for the purpose of meeting
“ with my master ; from this place, he departed for
“ the house of Mr. Abingdon. This I said ; but
“ nothing more ; which, too, I greatly, repent of ;
“ and I hope that I shall obtain pardon of God,
“ since the hope of life, not depravity of heart, ex-
“ torted these things of me, although I imagine that
“ it will do me no good.’*

“ So much for Bates. These things, of course
“ were sufficient to furnish our adversaries with a
“ pretence for arresting Garnett, as they desired to
“ excite enmity against us ; yet they appeared so
“ far of no weight, that, even on the trial, when
“ the case of Garnett was before the court, they
“ were not brought forward, and Cecil ingenuously
“ confessed, that the judges had no proof against
“ him, till they obtained a knowledge of the con-
“ versation with his fellow prisoner. But how great
“ was the hope, with which Bates was buoyed up,
“ appears from the same letter, in one part of which,
“ he says, that one day, early in the morning, being
“ called from his bed, where he was lying under
“ guard, he found a person, with a new dress which
“ the jailor wished him to put on, to try whether
“ it would fit him. ‘ Before that too,’ (says he),
“ ‘ lord Salisbury asked me whether I stood in
“ need of any thing ; and reminded the jailor to

“ provide me with a cloak, and to treat me in a liberal and obliging manner.’

“ With regard to the conversation of Garnett with Oldcorn, his fellow prisoner, the following facts are ascertained. While Garnett was kept in close custody in the Tower of London, many reports, unworthy of so great a man, were circulated ;—as if, through fear of torture, he had divulged the secrets of confessions, and many other matters on different subjects. They gave out also, that he solicited the ministers to be privately executed; as not being able to bear the public obloquy ; and that he begged for his life, in a womanish manner ; that he was nearly worn out by constant wakefulness during six whole days and nights, and was not altogether in his right senses ; and that he uttered many things in a disturbed and trembling voice. In fact, it was the interest of his enemies to use a stratagem of this kind, both to weaken the respectability of this venerable man, and to elicit something, which might be a plausible subject of accusation against him. In the mean time, however, while no catholic had access to him, or any means of conversing with him, or of inquiring into the truth of the reports spread against him, the officiousness of his enemies in spreading the reports we have mentioned, weakened their credit in the minds of the more prudent : they were at length disbelieved altogether, to the signal disgrace and shame of evil-disposed persons, when

“ Garnett, in open court, stood up as the vindicator
“ and strenuous assertor of his own integrity and
“ honour. For, although his adversaries surrounded
“ and entangled him in their toils, he preserved
“ that trust in God, which he could not explain to
“ the heretics, who, to obtain evidence against
“ him, turned upside down all ancient forms and
“ ordinances. But, when no sufficient evidence
“ to convict him could be adduced, either from the
“ confessions of the conspirators, or from his own
“ accusers, although he was repeatedly questioned
“ by the commissioners, they, thinking to accom-
“ plish the object by stratagem, brought Edward
“ Oldcorn, who, as I just mentioned, was taken at
“ the same time with Garnett, into a room adjoining
“ Garnett’s, and gave order that the jailor, upon
“ pretence of friendship, should apprise Garnett
“ of it, and show him a certain chink in the wall,
“ which would give him an opportunity of speak-
“ ing to his friend. Not long after this, Garnett,
“ being a man of a free open mind, not suspecting
“ any trick, either for the sake of confession or com-
“ fort, resolved to take advantage of the liberality
“ of the jailor. The latter, as he had been in-
“ structed by the ministers, placed in ambuscade
“ persons, who might overhear their conversation ;
“ the place having been previously made and fitted
“ up for that purpose. Garnett, after the confes-
“ sion of his sins, while he was talking familiarly
“ with Oldcorn about himself and his affairs, made
“ use of expressions, which intimated that he had
“ learnt something about the conspiracy, through

“ Greenway, in the way of sacramental confession ;
“ but on this condition, that, if it were known from
“ any other quarter, he should be at liberty to speak
“ of it, according to his own discretion. This, being
“ overheard by the listeners, and being reported to
“ the ministers, was deemed quite sufficient for
“ charging Garnett with having committed treason.
“ Let us, however, now hear Garnett himself, as
“ he expressed himself on all these subjects, when
“ he was publicly accused.

“ On the fifth of the calends of April, in the
“ year 1606, not in the usual place of trials at
“ Westminster, but in the hall, which they call the
“ hall of *Standards*, (vulgarly Guildhall), in the
“ middle of the city, where the lord mayor and
“ justices are accustomed to sit in judgment, there
“ sat, with the lord mayor, as managers of the pro-
“ secution, the earls of Nottingham, Suffolk, Wor-
“ cester, Northampton, and Salisbury, with the chief
“ justice of the king’s bench, the first lord of the
“ royal treasury, and Chetwynd, a justice of the
“ peace. About nine o’clock on that day, Garnett
“ was placed at the bar ; and, according to custom,
“ ordered to raise his hand : he raised it with-
“ out delay, and with a serenity and composure of
“ countenance, which both evinced the tranquillity
“ of his mind, and inspired the beholders with
“ veneration. The substance of the indictment
“ was, that on the ninth of the preceding month
“ of July, in the parish of St. Michael, London,
“ in the place commonly called Queenhithe, he had
“ conspired with Robert Catesby, (who had lately

“ been killed in open rebellion), against the life of
“ the most serene lord the king, and of his son :
“ that, in order to accomplish more surely this dia-
“ bolical purpose, he had caused a vast quantity of
“ gunpowder to be collected under the parliament-
“ house, to blow up by it the king, queen, prince,
“ nobles, lords spiritual and temporal, knights;
“ citizens,—in short, the whole assembly, at one
“ blast, and afterwards to kindle sedition through
“ the whole kingdom, and introduce foreign troops;
“ by whom the kingdom of England might be over-
“ thrown. To which charges, after Garnett had
“ pleaded ‘ not guilty,’ and a jury of twelve men
“ had been chosen, he submitted, according to the
“ national usage, to be tried by God and his country.
“ Then, one of the king’s advocates, having made a
“ short but rancorous speech, saying, among other
“ things,—‘ there is no secret, which shall not be
“ revealed, nothing hidden, which shall not be
“ known,’—he left the matter to be more fully ex-
“ patiated upon by sir Edward Coke, the king’s
“ attorney or advocate-general, as he is called. Sir
“ Edward, though at the outset of his speech he
“ had said that he intended to speak upon no other
“ subject than the late horrid act of treason,
“ launched forth into subjects so various and un-
“ connected, that he tired the hearers with his non-
“ sense, and entangled himself in his own loquacity.
“ He discoursed, at full length, on the antiquity
“ of this legion, and on all the conspiracies that
“ had taken place from the beginning of the reign
“ of Elizabeth ; on the bull of Pius the fifth, the

“ Spanish armada, the arrival of Campian in the
 “ island, Persons’s book, *De Jure Regni*, Creswell’s
 “ Philopater, and the pedigree, dignity, learning,
 “ piety, and marriage of his king ; and lastly, on
 “ equivocation ; always interweaving, in the different
 “ parts of his discourse, some charge or other,
 “ against Garnett, with an evident purpose of
 “ making him the author or participator, not only
 “ of this, but of all other acts of treason ; and of
 “ taking from the accused, the means of defence ;
 “ by jumbling together, in the accusation, such a
 “ mass of different circumstances.

“ Then Garnett, being a man of ready under-
 “ standing, arose to speak, with a countenance
 “ composed and modest ; and, after he had paid
 “ due respect to the commissioners, he proceeded
 “ to divide, what related to the business, into four
 “ heads, and expressed himself on them to this
 “ effect :—

“ ‘ I see, that I must speak of our doctrine taken
 “ altogether ; then, of recusants, in general ; after-
 “ wards, of the superiors of our society generally ;
 “ and lastly, of *myself*. Concerning these, I will
 “ briefly, clearly, and candidly explain what the
 “ case is.

“ 1st. ‘ The attorney-general has spoken acrimo-
 “ niously against that part of our doctrine, wherein
 “ we teach, that equivocations may lawfully be used,
 “ in certain cases ; as if this doctrine would break
 “ through the universal bonds of human fellowship,
 “ and rob martyrs of their crowns ; neither of which
 “ is affected by the doctrine, if it be rightly under-

“ stood. For we do not teach the lawfulness of a
“ promiscuous and arbitrary use of equivocation,
“ in contracts, in giving evidence before a lawful
“ judge, or to the prejudice of any third person :
“ yet we declare equivocation to be lawful, when
“ any question is asked of us, to which we cannot
“ give a positive answer, without detriment to our-
“ selves, or another ; or, when the judge is not a
“ lawful one, or though the judge be a lawful judge,
“ if he questions us about things, which are wholly
“ secret, and which do not come under his jurisdic-
“ tion :—in these and similar cases, in order to
“ rescue ourselves from vexation, we lawfully re-
“ serve in our minds what we do not utter with the
“ tongue : nor does this, in anywise, disturb human
“ fellowship ; it rather aids it, and keeps from the
“ vice of lying, which is lawful on no occasion ; it
“ also coincides with the principles and doctrine of
“ the wisest men, and of the holy fathers of the
“ church, as not one, as far as I know of, rejects it.
“ St. Thomas Aquinas teaches it in more passages
“ than one of his works, especially where he treats
“ of the sacrament of penance : he declares expli-
“ citly, that, if a confessor is interrogated by any
“ person whomsoever, respecting things, which
“ have come to his knowledge by auricular confes-
“ sion only, equivocation is not only lawful, but the
“ confessor is bound to deny his knowledge of them.
“ Nor does this impede the glory of martyrs ; for
“ we do not teach, as the attorney-general seemed
“ to say, that it is lawful to equivocate in matters
“ of faith ; on the contrary, we think the followers

“ of Priscillian guilty of heresy for teaching and
“ acting upon that doctrine : and, in our own times,
“ the catholics have ever given direct answers to
“ questions respecting faith, as it became them to
“ do, and have suffered the punishment of death:
“ Now, this punishment of death they might have
“ escaped, if they had considered it lawful to equi-
“ vocate in such cases. This doctrine I could con-
“ firm by many passages, which might be cited
“ from the sacred scriptures ; but I decline this
“ labour, as I have disputed more fully upon this
“ very point before you and other learned men in
“ the Tower, when you came to me for the purpose
“ of examination.’—Here Cecil observed,—‘ we
“ wish to ask you one question, Garnett : you teach
“ that it is not right to equivocate before a compe-
“ tent judge ; I hope that you consider us in the
“ light of legitimate judges : you, however, denied
“ many things to me in the Tower, which, when
“ witnesses were subsequently brought forward, you
“ confessed.’—Garnett replied, ‘ I certainly did so,
“ because I thought, that no witness could have
“ been brought against me, and that those things
“ which were asked of me, were therefore secret :
“ —besides, I was not then lawfully questioned,
“ especially, when my answers might tend to the
“ disadvantage of another person, who lay under
“ no accusation.’

“ ‘ Another point of our doctrine, against which,
“ the attorney-general has forcibly inveighed, re-
“ lates to the excommunication and putting down
“ of kings. Although this subject affords a broad

“ field of ~~disputation~~, yet, as it is difficult to speak
“ before this honourable assembly in a case, which
“ seems more nearly to touch their own sovereign,
“ I will speak, though boldly, yet briefly, in justifi-
“ cation of myself and my catholic brethren of
“ England. In the first place,—I entreat your
“ lordship to bear in mind, that the doctrine of our
“ society on this head, was ever the same with that,
“ which is taught by catholic subjects and schools,
“ in every part of the world, where the sovereigns
“ are catholics: nor, on that account, are those,
“ who teach it, accounted traitors; nor do princes
“ think that the doctrine itself trains their subjects
“ to treason and sedition. Nor do I really under-
“ stand why our society, which in nowise departs
“ from the doctrine everywhere received, or alters
“ it in a single tittle, should be branded, more than
“ others, with the stain of so heavy a charge. In
“ the next place, it is necessary to bear in mind,
“ that there is a great difference between our most
“ serene king, and those princes who, having once
“ embraced the catholic faith, afterwards recant
“ and fall into heresy, thereby separating them-
“ selves from that body and that head, with which
“ they had been formerly united. Those are the
“ persons affected by the censures, upon which the
“ attorney-general has argued so fully; they are
“ surely punished deservedly by that power, from
“ which they have undeservedly departed. The
“ case of our king is different; he professes that
“ doctrine, which he imbibed with his mother’s

“milk : to him, therefore, no private person can apply those opinions and general censures.’

“‘But,’ (says lord Salisbury), ‘can the pontiff excommunicate our king?’—‘I should not wish to call in question this power of the pontiff, or to deny it,’ answered Garnett.—‘What, then,’ said the earl, ‘if he were excommunicated, would it be lawful for his subjects to rebel?’—‘To those things,’ replied Garnett, ‘I long ago made answer; and I beg that I may not be pressed too closely with questions of this kind.’ Then the canon *nos sanctorum** having been read, and the attorney-general saying in jest, that Garnett’s answer referred to that, leave was given Garnett to proceed to the other following points.

“2d. ‘The second point,’ Garnett said, ‘upon which I design to speak, is, of *recusants* in general, (that is, of those catholics who refuse to be present at the religious ceremonies and prayers of the heretics). These, if we believe the attor-

* The canon, to which reference is made in this place, is usually cited under the title “*Una sanctorum*,” from its first words; it was promulgated by Gregory the seventh, and is inserted in the *Decretum Gratiani*, (pars 2da, causa xv. quest. viii. c. 4.), and may be thus translated, literally,—“We, holding the statutes of our holy predecessors, absolve, by apostolical authority, those who are bound by fealty or oath to the excommunicated; and we, by all means, prohibit them not to observe fealty to them, till they come and do satisfaction.”—“I admit,” says Bossuet, (*Défense de la Déclaration du Clergé de France*, liv. i. c. x.), “that the intentions of Gregory were good,—but he goes beyond all bounds,—quite to the extreme.”

“ney-general, ground their absence on the bull
“of Pius the fifth, whereby he excommunicated
“Elizabeth. If this were the fact, it would now
“be lawful to attend the protestant church, since
“our most serene king has not been excommu-
“nicated by the decree ; certainly, therefore, the
“catholics, who sought to free themselves from
“the penalties of recusancy, would now assist at
“the protestant service, if they considered it to
“be lawful.

“ “ Neither is that true, which has been asserted
“so positively, that the catholics did not absent
“themselves from the protestant churches till the
“11th year of Elizabeth : for I know very many
“persons, living at that time, who absented them-
“selves from the protestant churches during the
“whole preceding part of the reign of Elizabeth.
“Moreover, Mr. Fitzherbert, in those days, wrote
“a book, in which he proved that it was not law-
“ful for catholics to be present at meetings of that
“kind ; and it is publicly known, that many bishops
“and priests were thrown into prison, because they
“would not be present at them. Consequently it
“was not on account of the excommunication pro-
“nounced against Elizabeth, but from motives of
“conscience, that they absented themselves. This
“was the practice from the beginning of the he-
“resy of Arius : the Arians had priests, masses,
“altars, the entire liturgy of the catholics, and the
“same ceremonies, yet the catholics did not go to
“their service. I confess, indeed, that this was not
“equally understood by all catholics at the first

“beginning of the reformation ; but the matter
“having been brought forward during the council
“of Trent, it was determined by twelve men of
“learning and weight, chosen for that purpose,
“that for catholics to assist at the protestant church
“was by no means lawful ; and the council confirmed their decision. These observations, which
“I have made to show the reasons of our non-attendance at the religious service of the protestants, will suffice for the present purpose.

“3d. ‘The third charge,’ continued Garnett,
“‘was against the jesuits in general ; some of
“these the attorney-general declares to be guilty
“of the most abandoned treasons ; as those, which,
“he says, were to have been effected by the means
“of Colin, York, Williams, and Squire. This I can
“assert—that I have seen the solemn protestations
“and depositions of Holt and Walpole, (whom
“he accuses), and the oaths in which they swore
“by their eternal salvation, that they never had
“any communication with those persons, about any
“subject of this nature : and, in truth, if we weigh
“the matter according to human prudence, it must
“appear to a reflecting man contrary to all reason,
“that these fathers, (who, as you yourselves know,
“were not altogether out of their senses), should,
“in an affair of such great importance, have wished
“to make use of men, who dissented from the catholic religion, such as York, Squire, and others.
“These professed the protestant religion, and
“were little known to the fathers of our society :
 , whatever may be said of the confessions

“ of the criminals, extorted by dint of tortures, or
“ the hope of reward, it is a matter of fact that
“ Williams and Squire, when on the eve of death,
“ declared that both they themselves and the fathers
“ of the society were free from the imputed guilt.
“ Add to this, that the probity of these fathers has
“ been so well known, and their integrity so well
“ tried and made public by written books and the
“ strongest evidence, that I should appear to labour
“ in vain, had not the attorney-general thought
“ proper to put us in mind of these long-forgotten
“ facts.

“ ‘ With regard to father Sherwood, I have never
“ as yet heard of any priest of that name, who be-
“ longed to our society ; and I am sure that there
“ never was such a person : so that it is evident
“ that the whole story, respecting him, (no matter
“ what it was), was picked up in the public streets,
“ and exaggerated, in order to excite odium against
“ us.

“ 4. ‘ Lastly ;—I am now to speak about myself ;
“ and I wish you to bear in mind, that falsehood
“ oftentimes seems more probable than truth, if
“ men are led by conjectures alone, especially when
“ the speaker has the talent of setting off falsehood
“ to advantage. Add to this,—that both christian
“ piety and even common humanity require that a
“ case of life and death should not be decided by
“ light conjectures, but by eye witnesses and un-
“ doubted proofs. Nothing of this is produced to
“ support the charge brought by the attorney-
“ general : I will therefore tell you candidly what

“ I have done in this business, of which I am now
“ accused; and how I have conducted myself; and
“ although my conduct may not be approved of by
“ you, who are strangers to the catholic faith,
“ certainly no catholic could have taken any other
“ course.

“ ‘ In the first place, I call to witness God and
“ all the saints, that I always abhorred this, and
“ every other treasonable action; that I always
“ thought and always taught, that such schemes
“ and plots of subjects against their sovereigns
“ were unlawful; and that I have laboured, with
“ the utmost industry in my power, to prevent and
“ suppress them.

“ ‘ In the next place, I own that, a long time ago
“ I understood from Mr. Catesby, that he had some
“ plan in agitation, which would tend to the good
“ of the catholics, as he himself imagined. This,
“ I revealed to no one; but I dissuaded him from
“ it with such force and earnestness, that I really
“ thought he had given up all such designs as were
“ of a treasonable tendency: he himself certainly
“ promised that he would abandon them. But
“ I deemed it the duty of a priest of the religion of
“ Christ to bury the affair in silence, according to
“ the doctrine of Christ, my master;—‘ If thy
“ brother have offended against thee, go and rebuke
“ him between thee and himself alone; if he hear
“ thee, thou hast gained thy brother; but if he
“ do not hear thee, then thou mayest proceed to
“ other steps.’—Being persuaded, therefore, that he
“ had wholly desisted from the plot, I considered

“ myself free from denouncing it. If this be not
“ conformable to your law, yet the law of Christ
“ and christian piety have instructed me, that it
“ does not become a catholic and a priest of the
“ religion of Christ to accuse his brother of a crime,
“ of which he was believed to have repented.

“ ‘ Moreover,—my actions, stronger than all
“ conjectures, prove, how averse I have ever been
“ to plots of this kind, and how much I have en-
“ deavoured to hinder them. I have received
“ letters from my superior, in which he rigorously
“ commands me to abstain from every attempt of
“ violence. I also strove, with all the might in
“ my power, that such attempts might be prevented,
“ by a heavier censure than my own : this I should
“ not have done so earnestly, had I approved of the
“ plot.—Besides,—I knew how much these at-
“ tempts would displease the sovereign pontiff ; for
“ it had been reported to me, that my anxiety, my
“ vigilance in appeasing the commotion in Here-
“ fordshire and other places, had been commended
“ by his holiness himself. In short,—that sub-
“ mission and respect to superiors, on which we
“ set the highest value, deterred me from every
“ such measure ; for we are enjoined most heavily
“ by our superiors to abstain from meddling with
“ public affairs.’

“ Here the attorney-general thought proper to
“ interrupt Garnett, and to affirm that he had
“ hindered nothing :—at least,—that it did not
“ appear, otherwise than by his own assertion,
“ that he had prevented any mischief ; that it was

“ an easy matter for any one to speak in favour of
“ his own cause ; and finally, that, if he hindered
“ any evil, he had done so, not for the good of the
“ state, but from a show of humanity, still taking
“ care that the main object would not be obstructed.
“ —To which Garnett replied: ‘ In whatever manner
“ the attorney-general may unjustly and maliciously
“ pervert my meaning, my purpose uniformly has
“ been to prevent, if by any means I could, these
“ disturbances. I always dreaded them ; as I ob-
“ served that the catholics bore very impatiently
“ the incessant calamities and persecutions, under
“ which they suffered, and proclaimed openly, that
“ the king had broken the promise which he had
“ made to them. Surely the injunction to the
“ catholics, to forbear from them, under the pain
“ of anathema, which injunction I endeavoured to
“ procure from Rome, could not in any possible
“ manner have been favourable to treason.

“ ‘ And now, among other things, it is laid to my
“ charge, that I gave letters of recommendation to
“ Thomas Wintour, Faux, and others, who were
“ about to cross the sea. I own that I have given
“ letters, but I did not inquire into the causes,
“ why the parties went abroad.—I knew that they
“ were catholics, and men of a blameless life : to
“ this I bore testimony, that they might be received
“ with the usual forms of politeness. I gave them
“ such letters, as I gave to many more, who lie under
“ no imputation of conspiracy : if they have abused
“ my kindness, in order to promote their own plans,
“ it is not my fault, but theirs.’—‘ Did not you

“ know for what purpose they went abroad?” said
“ Salisbury; ‘ Did not you yourself tell me, you had
“ named Mr. Edmund Baynham as a proper person
“ to be sent to the pope?’—‘ I said this only,’
“ replied Garnett, ‘ after it had been judged proper
“ that some one or other should be sent to the
“ pope, to explain to him the condition of the ca-
“ tholics. This could not be done without great
“ expense. I therefore thought it better that this
“ business should be entrusted to Mr. Baynham,
“ who, as I knew, had two years before designed
“ to make that journey, than that some other person
“ should be appointed, as the expense of the journey
“ would then fall on himself, and not on the general
“ body of the catholics. But at the time, when
“ Mr. Baynham went abroad, I knew nothing at all
“ about this deed of treason. I am fully persuaded
“ that Mr. Catesby had not intended to make even
“ the pope acquainted with the real nature of what
“ he was plotting; but only to consult him, in a
“ general way, whether any thing ought to be
“ attempted: and this I conclude from what Mr.
“ Catesby solemnly promised me, that he would
“ attempt nothing, without the consent of the pope.
“ But I never consented that any one should be
“ sent in my name: those, who were more nearly
“ concerned in the matter, were at liberty to send,
“ if they thought proper. If any thing seems to be
“ collected from the evidence of Faux, or of any
“ other person, which proves the fact to be other-
“ wise, they themselves are to take to it, for I was
“ not concerned in their counsel.

“ ‘ With regard to the answer, which Catesby
“ received from me, respecting the murder of the
“ innocent with the guilty, it has not been accu-
“ rately repeated by the attorney-general ; for I did
“ not say that it was lawful for catholics to kill
“ protestants, even though some innocents should
“ be involved in the disaster ; but, when talking
“ about a just war in general terms, I answered,
“ what all theologians and the common custom of
“ war allow, that a town might be attacked, and
“ fortifications demolished, even though the inno-
“ cent are exposed to death : for Catesby at that
“ time proposed a journey into Belgium on a mili-
“ tary enterprise. When I understood that this
“ answer had been drawn from me, for the purpose
“ of the late barbarous plot, I shuddered,—knowing
“ how much odium and dishonour it would bring
“ upon the catholics.

“ ‘ Besides other exertions, I strove to avert
“ those things by my prayers ; and it was my
“ greatest wish that the catholics should proceed in
“ a more mild and gentle course.’—‘ It is even so,’
“ said Salisbury, ‘ for you told me,—as I was walking
“ in the gallery, that although we do not approve
“ of your masses, yet that you were positive they
“ had done us good ; for that you had prayed from
“ your very soul that this conspiracy might not be
“ effected, if it was not likely to turn out to the
“ benefit of the church.’ ‘ By no means, sir,’ an-
“ swered Garnett, ‘ for I did not say so ; I said that
“ I had prayed, that, if it pleased God, the minds of
“ his majesty and both houses of parliament might

“ be so far disposed to lenity, as not to enact laws
“ of such cruelty, as would impel the minds of the
“ catholics, thus exasperated, to machinations of
“ this kind, which I always feared. And since the
“ attorney-general has thought proper to say, that
“ I wished to disguise my real sentiments by this
“ turn, and has produced witnesses, who attempt to
“ prove this, by my own words,—I do not object to
“ the honour of the witnesses, whom he praises so
“ much :—I have only to say, that they may be very
“ upright men, yet may be mistaken in the mean-
“ ing which they put upon my expressions : they
“ may not have understood every particular ; they
“ may, when one thing was brought forward, have
“ omitted, from inadvertency, to mention some-
“ thing which altered the meaning. I did not wish
“ to disguise my mind by any colour of it. I said,
“ more than once, that I was ready with an answer,
“ —and this was,—that I wished the laws in agi-
“ tation might not pass.’

“ At this the earl of Salisbury grew very angry,
“ and rising up, said, in still more violent language,
“ —‘ There is no cause for your thus disparaging
“ the witnesses : if we were disposed to bring one
“ witness against you, a witness not altogether un-
“ objectionable, we might still bring fouler charges
“ against you. Nevertheless, this shall not be done ;
“ that all the world may know, with what great
“ regularity, and with what great lenity and mercy
“ we administer justice. Our most serene king has
“ therefore ordered, that your cause should be tried
“ in this noble assembly. For who is this Garnett

“ that he should be called forth to harangue in this
“ place, and insult so many illustrious men ? I ven-
“ ture to say, that the highest cardinal at Rome,
“ if he were obliged to stand on his trial, would
“ not find more honourable judges. You are not
“ summoned hither, Garnett, on your own account ;
“ but that your villainy, and the foul errors of your
“ religion, may be brought to light, and the cle-
“ mency of his majesty may be made manifest
“ to the whole world. Your life is in the king’s
“ hands ; this he might take away from you on
“ many accounts ; but, to the end that justice may
“ be openly shown, and the mouths of liars and
“ defamers stopped, he has determined on trying
“ you in this place, before this honourable and
“ dignified court ; of which court, we can boast
“ as much as the greatest cardinal of his judgment-
“ seat at Rome. We produce a witness, whose
“ reputation is most sacred ; who, for the whole
“ world, would not do you injustice : from an ad-
“ joining room he overheard your conversations,
“ and it was a matter of policy on our part, that
“ you and Oldcorn should be stationed together
“ so conveniently, that you might hear and be
“ heard. Such policy, provided it be consistent
“ with christianity, ought not to be neglected by a
“ well-ordered government. If we did not adopt
“ this method, I really do not know in what way
“ we must have dealt with you ; for, in your books,
“ we are infamously charged with acts of cruelty,
“ and with the most grievous persecutions ; and on
“ which account, we have no little reason to stand

“ in fear of you. It therefore becomes necessary
“ that you should be coaxed and fondled by us,
“ as children are by nurses; lest, if you should be
“ visited by disease or death, a report should get
“ abroad, that you have been cut off by poison, as
“ there is now a rumour about one of your brother-
“ hood, that he was racked by too violent torture,
“ whereas he inflicted death on himself, through
“ despair.’

“ Garnett thought such insulting language should
“ not have a reply; it was evident to all, that it
“ proceeded from a disturbed mind; and that the
“ earl spoke incoherently. Who could be igno-
“ rant how cruelly those priests were treated, who
“ were heretofore apprehended? Not as nurses treat
“ children, but as step-mothers treat daughters-in-
“ law, whom they hate with the greatest rancour.
“ He, whom Salisbury affirms to have laid violent
“ hands on himself, was John Owen, (called little
“ John, from his diminutive body;)—this man was
“ taken with Garnett, and brought to the Tower;
“ he was tortured by the rack, when he was labour-
“ ing under a rupture: not being able to support
“ the excruciating pain, his bowels burst; he was
“ taken to his bed, and died soon after. A tale
“ was spread that he had perished by his own hands;
“ the executioner himself denied it; declaring fur-
“ ther, that he had scarcely ever seen a greater
“ firmness in any one;—besides,—he was not buried
“ in the fields, nor in the king’s highway, with a
“ stake driven through his body, (as is the custom

“ in respect to those, who inflict death on them
“ selves), but was interred in the Tower itself.

“ The king’s attorney interrupted Salisbury, as
“ he was violently declaiming, and charged Garnett
“ with his own confession: when he was conversing
“ with Tesimond, (Greenway), Garnett acknow-
“ ledged that he had been apprised of the plot, in
“ the sacrament of confession, but on condition that
“ he should keep it secret, unless it became known
“ from any other quarter; and, in that case, if he
“ should fall into the hands of his enemies, liberty
“ was given him to divulge, that he might escape
“ the rack.

“ The earl of Northampton then endeavoured to
“ bring two charges against Garnett; the first was,
“ that he was virtually involved in the conspiracy,
“ by not having prevented it—according to the
“ maxim of law,—‘ he who does not prevent when
“ he can, commands, &c.:’—secondly, that he
“ valued his own delivery from torture more than
“ the safety of the king. But Garnett answered,—
“ ‘ I prevented it as much as I could; but I did not
“ disclose it to those, who, you suppose, might have
“ hindered it. I had no other reason, than the
“ obligation of keeping secret, whatever we hear in
“ the sacrament of confession; an obligation, which
“ we deem it unlawful to violate. Nor is it right
“ to lay to my charge, that I preferred my own
“ safety to the welfare of the whole kingdom; but
“ I observed the rule, not to do evil, though good
“ might ensue from the doing of it; for we have

“ no liberty to disclose what we hear in confession,
“ except by the leave of him who confesses. For
“ his good, and for the advantage and well-being
“ of the whole church, sacramental confession was
“ instituted with this obligation of secrecy ; and, if
“ this obligation be violated, all reverence for the
“ sacrament, and all its utility, would be destroyed ;
“ for who would wish to confess private affairs, if
“ he were not certain of secrecy ?”

“ Again,—when Salisbury and the king’s attorney-general were laying to his charge, that although he could not discover the confession of Tesimond, yet he ought to have revealed the plans of Catesby and his associates, who had not made their confessions to him ; and that as Tesimond had not repented, his confession was a nullity ; Garnett answered, in the first place, that Tesimond had done every thing which was essential to produce the effect and benefit of the sacrament ; and secondly, that, although there be something wanting, in which it is necessary to produce the benefit and grace of the sacrament, in the penitent’s regard, still it is a sacramental confession, and therefore binds the confessor to secrecy, not only in regard to him, who confesses, but in regard to all other persons whatever.

“ Afterwards,—when Garnett was questioned respecting his residence at Warwick, (where he was taken, when these commotions broke out,)—and about his conversation with Bates, who brought a letter from Catesby, after the detection of the conspiracy ; he answered, that he,

“ having no suspicion of the rising, had undertaken
“ a journey to St. Winfred’s well ; but that, on his
“ return, at the solicitation of his friends, he continued in that part of the country ; and that, if by
“ any chance, he could have foreseen that such a
“ circumstance would happen, he should have repaired to some place, sufficiently remote from the
“ scene of disturbance. When Bates had come to
“ him with letters, on the discovery of the affair,
“ he did not wish to have any intercourse with one,
“ who had intermiddled with these treasonable
“ machinations, and had brought him, his friends,
“ and the catholics universally, into the greatest
“ and most certain misfortunes ; that no one had
“ been sent by him to Catesby ; and that whoever
“ might have gone to Catesby, he went without his
“ knowledge.

“ Then the earl of Nottingham, that he might
“ close the proceedings with a super-excellent
“ rhetorical flourish, having asked leave to question Garnett, said, ‘ What, Garnett, if I should
“ come to you for the purpose of confession, and
“ should say, that, before an hour was past, I
“ should kill the king with a dagger, would you,
“ or would you not disclose it ? ’ To whom Garnett
“ answered ; ‘ My lord, if in any other way I came
“ to the knowledge of the affair, I should, of course,
“ discover it ; but, if I came to the knowledge of
“ it in confession, I should seek out every means
“ of preventing it, and having found them, I should
“ make use of them accordingly. ’—It was no wonder if the by-standers heard this sentence with

“laughter rather than applause, since that, which
“is for the public advantage of the church of
“Christ, is removed far from the understanding
“of heretics; and when sacraments are trodden
“under foot, it is a matter of course that the rest
“should fall to the ground. But Nottingham—
“ (though ignorant of its justness),—subjoined this
“remark, ‘ Now, Garnett, you are, as it were, in
“the pulpit, as you often have been on other occa-
“sions; but, to tell you frankly, what I think, no
“sermon of yours has ever produced more fruit,
“than your sermon on this day.’ After which,
“Salisbury said, ‘ Come, Garnett, you see with
“how much kindness and liberality you have been
“treated; you have had ample liberty of defending
“yourself, and many things have been mentioned;
“which your best friends could bring forward in
“support of your cause; the whole proceeding has
“been conducted with the greatest moderation,
“which no one, however ill-disposed, can, as I
“imagine, gainsay.’

“The twelve jurymen were then called, and
“Garnett was found, guilty; he was then asked if
“he had any more to say.—‘ This only,’ replied
“Garnett,—‘ I will not quarrel with your sen-
“tence;—the day will come when this same cause
“will be tried before the tribunal of Christ, in the
“presence of us all,—not by erroneous conjectures,
“by ill-founded arguments, but by the voices of
“our consciences. In the mean, may God pre-
“serve the king! My life and death are at his
“disposal: I fear not death, it is the end of my

“ miseries : if his majesty should grant me my life
“ —my faith and religion safe,—I will strive, by
“ all good offices in my power, to deserve well at
“ his hands.’

“ The court having been broken up, and Garnett,
“ according to his sentence, conducted, as a criminal,
“ back to the Tower,—while he is preparing
“ himself for death, it will be useful to mention
“ those things, which he prudently did, or diligently
“ wrote, in order to compose the minds of
“ the catholics, and to prevent every plot, tumult,
“ or sedition. In the first place, when some catho-
“ lics, in order to withhold the heretics from acts
“ of persecutions, thought it their duty to endeavour,
“ as much as lay in them, to prevent the
“ ratification of the peace with Spain, unless the
“ free exercise of the catholic religion were granted,
“ and others thought that, if the free exercise of
“ their religion were withheld from them, they
“ ought to have recourse to arms ;—all found in
“ Garnett an adviser of far different measures.
“ He did not indeed undervalue the opportunity,
“ which presented itself, of striving for religious
“ liberty, but he considered it wrong to defend
“ religion by exciting sedition : there are letters
“ extant written by him on that subject to his
“ superiors, dated the 2d of September of the year
“ 1604, in which, speaking of peace, he says,
“ ‘ Every wise man approves of peace, and we hope
“ it will be profitable to religion ; this, the catho-
“ lics expect in patience, but, if the attempt for
“ toleration do not succeed, I fear that the patience

“ of some will not hold out: what then is necessary to be done? for the jesuits will not be able to keep them in their duty. Let the pope, in the plenitude of his authority, give orders, that none of the catholics should dare to stir.’ When Garnett had made this resolution known to the catholics, there were not wanting men unfavourably disposed to the society, who said of us, that we were hunting after the king’s favour, by complaisance. This circumstance Garnett mentions in another letter: it having been inquired, whether those things were true, which had been brought from Padua by an unknown author, ‘ that the jesuits had given offence to the king, by seeking to interrupt the negotiations for peace,’ he wrote, in October of the same year, to this effect: ‘ As to what has been written from Padua, that the king is displeased with the catholics, on account of the intemperate proceedings of certain jesuits,—how far this is from truth, is well enough known in England. Here, every one is aware with what earnestness and diligence the jesuits have promoted peace. The ambassador undoubtedly made very great use of their counsel and assistance in that business. Moreover,—not long before the ratification took place, a person of the first rank in the kingdom, after he had said that the jesuits were men of rectitude, prudence, and learning, commended them, in a public assembly, because they had made such strenuous exertions in the cause of peace. It has been also ascertained that the conspiracy of

“ Watson would have attracted many to it, if the
“ jesuits had not checked the evil. And, though
“ it be not in their power to control the machina-
“ tions and schemes of every restless and daring
“ individual, they will, however, take care, that the
“ far greater and better part of the catholics follow
“ peaceable counsels : those who are more hostile
“ to us, give out, that we flatter and soothe the
“ king and his counsellors ; but, as long as they
“ produce no other accusation against us, we will
“ bear this censure in quiet, and reckon it as praise.’
“ Subsequently to this, when, from more frequent
“ conversations with Catesby, he had discovered
“ that there was something of consequence in agita-
“ tion, which Catesby did not wish him to under-
“ stand fully, he took care to expatiate in his ser-
“ mons oftener, and in stronger terms than before,
“ on the duty and merit of a patient endurance
“ of evils, and the proper fortitude of christians ;
“ and to exhort the catholics rather to subdue per-
“ secution by longanimity than conquer it by resist-
“ ance. This offended Catesby, either because he
“ believed those things were levelled at himself, or
“ because he heard unwillingly, what he thought
“ likely to raise, in the minds of the hearers, a
“ doubt of the lawfulness of joining him and his
“ companions in the plot. Hence Catesby did not
“ so often converse with Garnett, or so constantly
“ attend his sermons, as he was used to do. He
“ began even to find fault with the jesuits, who, as
“ he said, raised divisions in the catholic body, by
“ sometimes opposing the power of the pope, some-

“ times extolling the virtue of patience, and some-
“ times holding out a vain hope of better times.
“ When these things were reported to Garnett, he
“ again consulted his superiors ; he wrote to Rome
“ the following letter, on the 8th of May in the
“ year after :—‘ Almost all the catholics seem to be
“ driven to despair ; many complain of the jesuits,
“ because they are an obstacle to their having
“ recourse to open violence. These things have
“ fortunately been reported to me ; for I dare not
“ inquire what is their intention, what are their
“ counsels, because our father-general has ordered
“ us to abstain entirely from all such affairs.’ To
“ which letter the general wrote an answer to this
“ effect : ‘ That he ought to strive, with all his
“ might, to put an end to all the schemes, which
“ the catholics were forming for their religious
“ liberty ; and to take care that they utterly aban-
“ doned those projects, because they could neither
“ be put into motion, nor accomplished, without
“ many and very grievous disadvantages to reli-
“ gion ; and because they would quickly bring the
“ catholics themselves into the greatest difficulties ;
“ and what was principally to be considered, be-
“ cause the most holy vicar of Christ did not only
“ disapprove such designs, but peremptorily orders
“ it to be abandoned : in addition to this, the ho-
“ nour of the order is at stake, since no little dis-
“ grace would attend its members, if the catholics
“ should be guilty of any thing reprehensible : for
“ the world would not be easily persuaded, that
“ these and similar plots were formed without the

“ knowledge, or even without the concurrence of
 “ the society.’

“ Father Persons wrote, in the name of the pontiff,
 “ letters to the same effect. As soon as he received
 “ those letters, Garnett assembled Catesby and some
 “ other catholics ; he explained to them the com-
 “ mands of the pontiff, entreated and beseeched
 “ them to take care of what they were doing, and
 “ attempting to accomplish. When he saw them
 “ angry, and heard them say that the pope was led
 “ to this opinion, not by his own judgment, but by
 “ the cowardly letters of some catholics ; that his
 “ holiness would be of another opinion, if he could
 “ see the miseries and distresses of the catholics,
 “ and was made acquainted with their real views ;
 “ Garnett recommended them to consult the pope,
 “ through some trusty person, and that, by him,
 “ they should explain accurately to the pope their
 “ particular designs. His advice was approved of ;
 “ and, as Edmund Baynham about that time was
 “ preparing for a journey into Belgium, the whole
 “ affair was entrusted to him. When he set out
 “ on his journey, Garnett gave him letters to his
 “ friends, and to the apostolic nuncio ; another
 “ letter he sent, at the same time, by the post, to
 “ the general of the society, in which he made him
 “ acquainted with what he had done ; I here give
 “ it in his own words :—

“ ‘ *Most noble lord,*

“ ‘ *I have received your lordship’s letter, which*
 “ *I embrace with that respect, which is due towards*
 “ *his holiness and your lordship. I can truly say,*

“on my own part, that I have four times already
“hindered the insurrection; and there is no doubt,
“but I can prevent all general preparations of
“arms, since it is certain that many catholics are
“determined to attempt nothing of the kind, with-
“out my concurrence, unless from urgent neces-
“sity. There are two things, however, which make
“me very uneasy;—the first, lest it should happen
“that some catholics should, in some one province,
“fly to arms, which may oblige others to do the
“same: for the number of those, who cannot be
“restrained by the bare order of his holiness, is
“not small. Even when pope Clement was alive,
“they dared to ask, whether the pope could hinder
“them from defending their own lives? They say,
“moreover, that no priest shall be privy to their
“secrets; nay, some even of my friends complain
“of me, that I place obstacles in the way of
“their plans. In order to soothe them in some
“manner, and, at least, to gain time, by a little
“delay, that suitable remedies may be provided, I
“advised them to send, by common consent, some one
“to his holiness. This has been done; and I have
“directed him to the most illustrious nuncio in
“Flanders, that he may be recommended by him
“to his holiness; I have also written letters, in
“which, I have explained their object, and the rea-
“sons on both sides of the question. These letters
“are written at great length, and are very full of
“matter, for they will be carried with the greatest
“safety.

“So much for the first danger. The second is

“ somewhat more serious ; because there is reason
 “ to fear, lest information of some act of treason
 “ or violence should be privately carried to the
 “ king : and that, in this case, all the catholics may
 “ be compelled to take up arms. Wherefore, in my
 “ judgment, two things are necessary ; first, that
 “ his holiness should intimate to us what, in either
 “ case, our conduct should be : secondly, that, under
 “ the severest censures, he should forbid the catholics
 “ to take up arms.

“ ‘ It remains for us to hope, that things will not
 “ proceed from worse to worse ; to pray his holiness,
 “ under these dangers, to apply some speedy and
 “ effectual remedy. His benediction, and the prayers
 “ of your lordship, I humbly implore. At London,
 “ 24th. of July 1605. The servant of your most
 “ noble lordship,
 “ Henry Garnett.’

“ Baynham having thus been dispatched into
 “ Belgium, while Garnett’s obsequious friends were
 “ behaving with dissembled concern, and he be-
 “ lieved there was no remaining ground of appre-
 “ hension, he travelled, about the end of August,
 “ to St. Winfred’s well. Of this circumstance he
 “ apprised father Persons, by a letter, dated the
 “ second day of September ; he expresses himself
 “ in it, in the following terms :—

“ ‘ As far as I can see at present, the minds of the
 “ catholics are at rest ; they are even resolved, for
 “ the future, to endure patiently the distresses of
 “ persecutions ; nor are they without hope, that the
 “ king himself, or his son, will some time or other

*“ redress their great evils. Meanwhile, the number
“ of the catholics greatly increases ; and I hope that
“ this journey of mine, which, by the will of God, I
“ intend to undertake to-morrow, both for the sake
“ of recruiting my strength, and because I have no
“ fixed abode, all my former dwellings being disco-
“ vered by the diligence of our adversaries, and be-
“ cause I also hope, that my journey will not be with-
“ out some opportunity of doing good to the catholic
“ faith.”*

“ But, in the mean time, the conspirators who,
“ the year before, had made their unsuccessful at-
“ tempt to work a passage under ground, had hired
“ the cellar or vault under the parliament-house,
“ and had prosecuted their plan with the circum-
“ stances, which have been already mentioned.

“ We now return to Garnett, in his prison.—
“ Ministers of the gospel often went to him from
“ a desire of disputing with him. To these, he said,
“ ‘ I have no leisure, good sirs, to comply with
“ your curiosity at this time ; the short space of life
“ which is left to me, I wish rather to give to God,
“ and to my conscience, which ought to be com-
“ posed for death.’ He remembered what calumnies
“ had been formerly spread respecting Campian’s
“ disputes, with some protestant divines. Lest,
“ therefore, any charge of unsteadiness of faith
“ should be brought against him, he thought it
“ more advisable to abstain from all private con-
“ versation, than to endanger his reputation, till
“ that time without blemish, by leaving it to be
“ torn into pieces by the inventors of lies.

“ ‘ The whole of April was given to delibera-
“ tion as to what should at last be resolved on con-
“ cerning him ; for Salisbury had been heard to
“ say openly, that no clear proof had been brought
“ against him till the conversation with Oldcorn ;
“ and his declaration that the knowledge which he
“ had received of the conspiracy came to him in
“ the sacrament of repentance. The sacrament they
“ themselves had exploded, yet they had not so far
“ shaken off reverence towards religion in general,
“ as not to approve the use of it among catholics,
“ and to consider secrecy in all that passed in it,
“ as a most necessary duty. The gravity, the can-
“ dour, and the openness which Garnett showed
“ in his answers, had, at the same time, procured
“ him both respect and pity. His execution was
“ also retarded by an apprehension, lest his vener-
“ able countenance, in which dignity and modesty
“ were united, should persuade those, who saw
“ him, (which indeed proved to be the case), that
“ nothing of atrocity or outrage, no concealed or
“ cruel design, could have entered into a breast so
“ evidently peaceable. However, there was a proof
“ drawn from this very dignity, which undid him ;
“ since, independently of the stain of infamy which
“ would fall on the whole order of jesuits from the
“ execution of this one man, (whom the rabble
“ styled a great seminarist and a little pope) his
“ quality and high offices would persuade the
“ people, that so great a man would not have been
“ brought to that place, unless he had been con-
“ victed of the foulest crime. The third day of

“ May—the festival of the invention of the holy cross,—was appointed for his punishment.

“ Near to the episcopal church of St. Paul, and its western door, an ample space is surrounded with very high houses ; here, a spacious wooden stage was erected ; and on it a gallows ; there was at the side of it a block, on which, after hanging a short time, the criminal was to be quartered, limb by limb ; and hard by the block there was a blazing fire to burn his entrails. A vast crowd of every description occupied the place at break of day, and, on every side, filled up the open space and windows :—the expectation of all was very great. According to custom, Garnett was dragged from the Tower on a hurdle, having his eyes, for the most part, raised to heaven ; now and then lifting up his hands, and praying, in his mind, or with his tongue. When he had a little recovered from the shaking upon the hurdle, and cheered his spirits, he mounted the platform, and courteously saluting the surrounding multitude, with a look composed of the greatest modesty and cheerfulness,—(leave of speaking having been given to him),—he addressed them to this effect :—‘ This day is sacred to the finding of the holy cross ! Under the protection of this cross, it has pleased the Divine Goodness that I should be brought to this place, and lay down, for its sake, my life, and all the crosses of this fleeting and inconstant life. This is, indeed, a great blessing ! a blessing, for which it is proper that I return God unlimited thanks.

“ What other day ought more to be wished for by
“ me, than that on which the commemoration of
“ the cross of Christ is most splendidly celebrated
“ throughout the whole catholic church ! Most of
“ you know on what account I am now dying ; it
“ is unquestionably, because I did not reveal a cir-
“ cumstance, told me in the sacrament of confes-
“ sion ; in which, though I have not sinned against
“ God, yet I seem, to most people, to have offended
“ against the king. To be thought to have offended
“ the king, really gives me great concern. You
“ ought, however, to know, that, among us, there
“ is that respect for the sacrament, that it is, on
“ no account, lawful to divulge any wicked designs
“ which are heard in it ; unless when and where
“ the penitent himself hath granted leave. In one
“ thing, perhaps, but certainly in this one thing
“ only, have I offended ; that I suppressed, in si-
“ lence, some suspicions I had, from other sources.
“ Still, in the mean time, I strove, by other means,
“ to appease the minds of the turbulent, and to
“ prevent their plots : my own opinion of these
“ persons deceived me, and for this silence, I ask
“ pardon.’

“ Some person then objected to him, that Catesby
“ had discovered his intentions to him out of con-
“ fession ; and had said that he had the hand-writ-
“ ing of Garnett himself as a proof of that fact.
“ ‘ Show me the hand-writing,’ said Garnett : ‘ if
“ it be really my writing, I will not deny it ; I am,
“ however, sure, that you can produce nothing of
“ this kind.’ That person having put his hand in

“ a bag, and finding nothing, asked the servant
“ standing by, for it; he said that it was at home.
“ ‘ Most assuredly,’ said Garnett, ‘ you neither
“ have it here, nor at home. I have ever been far
“ from every thought of this kind; every such
“ thought being wicked in itself, and contrary to
“ the well regulated institutes of the catholics. I
“ exhort you all to abstain from such turbulent
“ machinations, and learn to keep your souls in
“ patience.’

“ Being asked whether he had any thing further
“ to say? ‘ This alone,’ said he, ‘ that all catholics
“ present may pray with me, and for me.’

“ Being led from the edge of the stage, to the
“ foot of the ladder, which was placed against the
“ gallows, he was asked, whether he thought him-
“ self condemned justly? He answered,—“ un-
“ justly, as far as I am condemned for having been
“ privy to the laying of the powder under the par-
“ liament-house. For I knew nothing about that,
“ unless in such a place, and in such a manner, as
“ rendered it impossible for me to divulge it:—
“ but, so far as I made known to none, the suspi-
“ cions which I have acknowledged myself to have
“ entertained, I leave it to the judgment of every
“ one to think of it as he pleases.’

“ Having stripped off his clothes, even to the
“ shirt, which had been sewn together as low as
“ the ankles, and kneeling down for a little, he
“ prayed in silence. He then ascended the steps
“ of the ladder, and said with a loud voice, ‘ May
“ God bless you all! and make you roman-catho-

“ lies ! For others, there is no entrance into hea-
“ ven ! May our Lord God bless the king, queen,
“ prince, and all the council ! When I was exa-
“ mined in the first instance, my reason for not
“ acting openly with the nobleman deputed to me,
“ was, because I was forbidden by the bond of the
“ sacrament : but, when I ascertained that the affair
“ had been made public by those, who listened to
“ my conversation in prison, I thought it better to
“ confess the fact, as it was, than, by my silence,
“ to give occasions for suspicion and talk ; for the
“ disposition of man is prone always to suspect and
“ report what is worse than the real fact ; lest
“ too, the reputation of my dear brother Tesimond
“ should suffer, as he was thought to have inter-
“ meddled more with this plot than he really did.
“ As to what regards myself, I die a catholic.—
“ We adore thee, O Christ ! and bless thee, be-
“ cause, by thy cross thou hast redeemed the world !
“ This sign of the cross will be in heaven when
“ the Lord shall come to judgment ! *Alleluiah* !—
“ Then, having addressed the Virgin Mother in a
“ short hymn, and having repeated many times,
“ the words of our Lord Christ, from the psalm,
“ ‘ *Into thy hands I commit my spirit,*’ he crossed
“ his arms on his breast ; and entreating of God
“ that he might bear that sign in his heart to his
“ last moments, he was turned off the ladder.—
“ The populace, by their cries, deterred the exe-
“ cutioner from cutting the rope too soon,—shout-
“ ing again and again,—‘ *Keep off ! Keep off ! Let*
“ *him hang to the last breath !*’

“ While he was dying, a deep silence and much
“ compassion appeared. Some argued, from his
“ modest gravity, some from the steadiness of his
“ mind and countenance, which he preserved even
“ in death, others from his sensible answers, that
“ a deed so atrocious, as that with which he was
“ charged, could not have been committed by such
“ a man ; and they declared, that he was a saint,
“ and without doubt received into heaven. So
“ powerful is innocence against any false accusation
“ whatever ! ”

CHAP. XLVI.

GUNPOWDER CONSPIRACY CONTINUED: MISCELLANEOUS OCCURRENCES AND REFLECTIONS.

WE have presented our readers with the accounts published of the gunpowder conspiracy, by two historians of very different characters, and who have written with very different views : we shall now attempt to present them, I. With a summary mention of the principal publications to which the conspiracy gave rise : II. An account of some other fathers of the society of Jesus, who were accused of concurring in it : III. Some observations on the conduct of father Garnett, in respect to it, and in respect to certain circumstances, with which it was connected : IV. A discussion of the charge brought against Cecil, earl of Salisbury, that he was privy to it, and that it was secretly fomented by him : V. And an inquiry, whether the guilt of it can be

justly charged on the general body of English catholics.

XLVI. 1.

Writers to be consulted on the subject.

THOSE, who wish to have a complete knowledge of the nature and extent of the gunpowder conspiracy, and of all that protestants have said upon it, to criminate the catholics, and of all which catholics have asserted in their defence, should peruse several other publications beside those, which have been noticed : particularly the Relation of it which was printed by the order of government* ; king James's Account of it †, Isaac Casaubon's Letter upon it, to the learned jesuit Fronto le Duc ‡, the Tortura Torti of the bishop of Chichester §, and the

* " A true and perfect Relation of the whole Proceedings against the most barbarous Traitors, Garnett a jesuit and his Confederates ; containing sundry speeches delivered by the lords commissioners, at their arraignments, for the better satisfaction of those that were hearers, as occasion was offered. The earl of Northampton's speech has been enlarged upon those grounds, which were set down ; and lastly, all that passed at Garnett's execution. Imprinted at London by Robert Barker, printer to the king's most excellent majestie, 1606 : " — Reprinted with a preface and several papers or letters of sir Everard Digby, chiefly relating to the gunpowder plot, by Thomas lord bishop of Lincoln, in 1679, 8vo.

† James's Apology and Præmonition, printed among his other works.

‡ Isaaci Casauboni Epistolæ, Hagæ Com. 1638. Ep. clxx. 4to. p. 251.

§ Tortura Torti, seu Responsio ad Torti Librum, London, 4to.

Antilogia of Dr. Abbott *. All these publications, (but least of them, ~~that of king James~~), are unfavourable to the catholics. On the other hand, the catholics have been ably defended by cardinal Bellarmine†, Andreas Eudæmon-Johannes, a Cretan jesuit ‡, Dr. Challoner§, and Dr. Milner||.—The official account of the plot, inserted in Winwood's Memorials, has been already noticed.

XLVI. 2.

Other Jesuits accused of being concerned in the Conspiracy

THREE jesuits, besides Garnett, were alleged to have been implicated in the conspiracy; father Gerard ¶, father Oldcorn, and father Greenway. The two first were apprehended; father Greenway, on the first discovery of the conspiracy, fled to the continent.

Father Gerard was, almost immediately after his apprehension, imprisoned in the Tower. There, he was taken into a dungeon; various instruments of torture in it were shown to him; and he was threatened with the severest applications of them,

* Antilogia, adversus Apologiam Eudæmon-Joannis pro Garneto, 1613.

† Matthæi Torti Responsio ad Librum Jacobi Regis Magnæ Britanniæ, de Juramento Fidelitatis. Col. 8vo. 1610.

‡ Andreæ Eudæmon-Joannis Cydonii Apologia pro Garneto, 1613. 8vo.

§ Memoirs of Missionary Priests, vol. ii. p. 246.

|| Letters to a Prebendary. Letter vii.

¶ There is a curious letter respecting Gerard, in Strype's Annals, vol. iv. p. 307.

XLVI. 3.

Observations on the Conduct of father Garnett.

THE guilt of Garnett was a subject of great discussion : it gives rise to three distinct inquiries ; the first,—whether he knew of the conspiracy, further than in consequence of the communication which Greenway made to him, by the desire of Catesby ;—the second, whether he was justified in keeping secret the information, which he had received, and the suspicions, which, in consequence of it, and from other circumstances, he entertained of the turbulent designs of some catholics ;—the third, whether he behaved, during his examination, and upon his trial, with due regard to truth and sincerity.

As to the first of these topics of inquiry :—it is an article of catholic belief, that the seal of sacramental confession is inviolable ; that the confessor is bound to observe the most absolute and unqualified secrecy on all that he hears from his penitent in his confession ; and that a case cannot be supposed, in which it is lawful for the confessor to divulge it without the consent of the penitent. To use a strong expression of St. Augustine, “ a priest is considered “ to know less of the things, which he hears in confession, than of those, of which he is absolutely “ ignorant.” Thus, the confessor is bound to his penitent ; but the bond is not reciprocal : for the penitent is under no such sacramental obligation of secrecy, and may, without breach of it, disclose

whatever passes between him and his confessor. The penitent also may authorize the confessor to reveal what passes in the confession, to a third person, either lay or ecclesiastic: still, the obligation of secrecy continues so far, that the penitent may direct the revelation to be made, under the sacramental obligation of secrecy; and, when it is made under this obligation, the party is bound to secrecy, in the same manner, and to the same extent, as the confessor. A breach of this secrecy is considered by catholics as a crime of the blackest dye: scarcely half-a-dozen instances of it are known to have existed. This, the catholics deem to be a remarkable intervention of Divine Providence;—and, if we consider the number of vicious priests, and particularly the number of those, who have deserted the catholic faith, and shown a total disregard to truth and honour, it must be confessed that the circumstance, which we have noticed, is not a little remarkable.

It has been mentioned, that Catesby revealed the design to Greenway in the tribunal of confession; that Greenway declared it to be a crime both against God and man, endeavoured to dissuade him from it; and, to gain time, desired and obtained his leave to mention it to Garnett, and consult him on its lawfulness:—that Garnett expressed himself in the same manner as Greenway had done, and, like him, in order to gain time, recommended a consultation with the pope: both Greenway and Garnett knew that the pope would reprobate the design; they hoped, therefore, that when his opinion was obtained, it would render the project abortive, and

that, in the mean time, its contrivers would remain in peace, and obtain a more christian spirit. It is not improbable that Catesby's communications to Greenway, and through him to Garnett, were made with a view of leading them to concur in the plot, or at least to sanction it by their approbation. To each, he enjoined sacramental secrecy, unless the plot became public; in that case, he authorized them to make any use, which they should think proper, of the communication. It appears, from the Letter of Casaubon, which we have mentioned, and from the Reply to it of Eudæmon-Johannes, that one of the consultations upon the conspiracy between Greenway and Garnett took place while they were walking: hence, their adversaries inferred, that this communication at least could not be sacramental, as in the sacrament of penance, the penitent, unless he is hindered by illness, is always upon his knees. Garnett admitted that this was generally the case, when the sacrament of penance was administered; but observed, that it was not attended to in consultations, which, by the desire of the penitent, the confessor had with other persons, in reference to the confession.—Every roman-catholic must allow, that, according to the established rules and practice of his church, the conduct of Garnett, admitting this to be a true representation of it, was, thus far at least, free from blame. Whether the rule and practice be just and wise, is another question. Garnett's was an extreme case; and every judicious and candid reader must allow, that though, when a general principle

is admitted, it extends equally to extreme as to ordinary cases, still, it is not lawful to decide upon its noxious or innoxious tendency, from its consequences in an insulated case, or in a case of an extreme description.

2. Garnett, however, had received other communications.—We have seen how great his apprehensions were, that some, among the catholics, would, in opposition both to their religion and their true interest, have recourse to violent measures, and how anxiously and earnestly he strove to prevent them. Here the question arises—whether it was his duty to communicate to government these apprehensions, and their causes? Upon this, Garnett would naturally pause: it is repugnant to the feelings of every honourable man to turn informer; perhaps Garnett did not know any thing specific, or any thing that he could demonstrate by regular proof; but he knew the hostile spirit of the minister to the catholics: this, he must fear, would lead them to proceedings of extravagant and undistinguishing cruelty,—and he believed also, or at least strongly hoped, that his paternal and salutary councils had withdrawn these turbulent spirits from the precipice, to which they were rushing.—Add to this, that the communications, of which we are now speaking, had informed Garnett, rather of the existence of a general angry mind among some of the catholics, in consequence of the very unexpected treatment which they received from James, immediately after his accession to the throne, than of a settled or organized plan

of aggression. Now this spirit of general and indistinct turbulence *commonly* evaporates in its own blusterings, and produces nothing serious. Viewing the situation of Garnett in this light, every candid person will make great allowances for the line of conduct which he pursued, and hesitate before he condemns him : he might be justly found guilty by a court of law, while a court of honour would think gently of his case. He appears, to the writer, to have pronounced a just sentence on himself, when, after intimating his own doubt, whether his conduct had been quite blameless, in not revealing the communications of which we are now speaking, he asked pardon of his sovereign, for concealing whatever it had been his duty to reveal.

3. An attentive, and he believes an impartial and candid examination of the very trying scenes, in which it was the misfortune of Garnett to be placed, has led the writer to think, not unfavourably, of his sincerity either on his examinations, or during his trial. He avowed explicitly, two opinions, each of which was particularly calculated to prejudice his judges against him :—the power of the pope to dethrone sovereigns for heresy, and the lawfulness, in certain circumstances, of equivocation and mental reservation.

In this and his other writings, the writer has expressed his opinion, that the first of these doctrines rests on no solid foundation ; and that the attempts of the popes to enforce it, have been a source of much temporal and much spiritual evil.

but, while he reprobates the doctrine itself, he cannot withhold a tribute of respect to those, who, from motives of conscience, either openly avowed it, or refused to disclaim it in circumstances, in which the rejection of it would have saved them from a sanguinary death, or at least recommended them to mercy. Such, to a certain extent, was the case of Garnett. Most probably, his disavowal of the pope's deposing power would not have prevented his condemnation:—still there was a chance of it, or at least of its serving him essentially in some manner. Of this, every man, not thoroughly principled in virtue's book, would have eagerly availed himself: Garnett more honourably and more sincerely avowed the offensive doctrine, and submitted to the consequence.

The doctrine of equivocation and mental reservation, in the manner in which this doctrine is generally represented, is still more odious and pernicious than the deposing doctrine, as it saps the foundations of honourable intercourse in society, and fair dealing between man and man.—A person is said to equivocate, when he expresses himself in terms, which are true in the sense in which they are understood by the speaker, but false in the sense in which they are understood, and the speaker knows them to be understood, by the hearer: he is said to be guilty of mental reservation, when he expresses himself in terms, which, as they are spoken, are absolutely false both in respect to the speaker and the hearer, but which, in a manner perfectly unknown to the hearer and unsuspected

by him, the speaker accommodates to truth, by adding, mentally, some words to the sentence which he utters, and with which addition it becomes a truth. Some persons have contended that either practice is lawful, when it does essential good, and produces no detriment to any one; or when the declaration is made to a person who has no right to interrogate the party or claim to his confidence.

Let us suppose, they say, that a person possesses the secret of the state, and is questioned upon it by one, whom he knows to be a spy; if he tells the truth, the secret is revealed, and the nation will be undone; if he hesitates, the secret is discovered, and the same consequence must follow. What should he do? An equivocation, or a mental reservation, will save the state: is it not lawful? In circumstances of this extreme nature, would not the most honourable man have recourse to such a subterfuge? Have not the most honourable men often had recourse to such an expedient? Garnett too might argue on this principle:—it is a received maxim of the law of every civilized state, but acknowledged and respected nowhere more than in England, that no person is compellable to accuse himself. Garnett underwent several examinations, In the just and equitable administration of justice, which now prevails in England, Garnett would not have been compelled to answer even one of the questions, which were put to him, on his examination: but, in those times, the rack * was always in

* The reader will find the question respecting the lawfulness of equivocation and mental reservation discussed with

view. Thus, an extreme case arrived. The magistrate asked a question, to which he had no right

learning, candour, and ingenuity, by father Griffet in his *Réponse au livre intitulé "Extraits des Assertions,"* &c. 4to. 1765, vol. iii. p. 203. Father Griffet seems aware of the difficulty, which attends all discussions, where an extreme case is to be justified upon a principle, the application of which, to mean or ordinary cases, leads to the most frightful consequences, and thus shows it to be erroneous.

The use of equivocation on some occasions was also defended by father Persons, in his "Treatise on Mitigation towards Catholic Subjects against the seditious Writings of Thomas Morton, minister, 1607, 4to." and in his defence of that work, by "A quiet and sober Reckoning with Mr. Thomas Morton, by P. R. 1609, 4to." Mr. Alban Butler, in his "Life of sir Toby Matthews," (p. 17), observes, that in the former of these works, "the attempts of Persons to vindicate the use of equivocations, alarm a judicious reader, and deserve a severe animadversion." At the assembly of the Gallican clergy, in 1700, "Bossuet announced, that to use equivocations or mental reservations, was to give to the words and phrases of language, an arbitrary meaning, framed at will, only understood by the speaker, and contrary to the meaning, which the rest of the world give them. He remarked, that, one is not called upon to justify all those words of holy men, in which some untruth may be found; that it is better to describe them, as human weaknesses, their proper name, than to excuse them by the artificial terms of equivocations and mental reservations, in which concealment and bad faith would be manifest." Bausset's *Hist. de Bossuet*, l. xi.

It is observable, that some of those, who advocate the lawfulness of equivocation and mental reservation, refer to the plea of "not guilty" in the English court of law, which, they contend, cannot be used by a guilty person conscientiously, unless he reconciles himself to it by the doctrines of equivocation or mental reservation. But this is a mistake;—the plea is a conventional form of words, by which the party on trial,

to require an answer ; if Garnett declined to answer it, he had reason to be fearful of the rack ; or that his silence would be construed to be proof of his guilt. From this dreadful position, equivocation, or mental reservation, would, under the circumstances, save him ; it might serve many, and could prejudice no one. In this extreme case, he thought it justifiable. He may have been wrong ; —but, if we blame him, surely we should pity him *.

XLVI. 4.

Cecil's Privity to the Conspiracy.

No circumstance, which has come to the knowledge of the writer, in the course of his investigation of this interesting part of his subject, has led him to the discovery of a single fact, which can render Cecil justly suspected of having been privy to the plot, previously to a short time preceding its discovery. That, in his disposition he was extremely unfavourable to the catholics, and that he would rejoice in any event, that was likely to render them objects of public odium, may be conceded ; but, while this affords ground for suspicion, it extends

is understood, as much by every other person as himself, not to deny the reality, but to put his accusers on the proof of his guilt.

* “What hindered you,” said the earl of Salisbury to Garnett, in one of his private examinations in the Tower, from “discovering the plot?” “Even you yourself,” answered Garnett; “for I knew full well, should I have revealed the plot, “and not the plotters, you would have racked this poor body “of mine to confess.” Fuller’s Church History, b. x. p. 29.

no higher ; and thus, so far as it stands single, proves nothing.

It is said, that some protestant writers, as Osborn, Higgins, and the authors of "The Protestants Plea," and "The Politicians Catechism," accuse Cecil of fomenting the plot, and reaping its fruits : but not one of these writers mentions a single fact, which supports the accusation : now, where there is not evidence, there cannot be proof.

It is observable, that the expression of Osborn is misquoted : he is cited for having called the plot "a neat device of the secretary ;" now, he applies this expression not to the plot, but to the letter, which was sent to lord Monteagle ;—"which letter, he terms a neat device of the secretary, to fetch him in, to whose nature and person, if not to both, he had a quarrel * :"—a loose intimation, and entitled to no regard. Higgins wrote at the distance of more than a century after the event took place ; what he says, is altogether assertion, and is therefore of no weight. The writers of "The Protestants Plea" and "The Politicians Catechism," wrote nearer to the time ; but, as they support their insinuations neither by fact nor argument, the testimony of neither is entitled to a voice †.

* See his Secret Memoirs in Ballantyne's Collection, vol. i. p. 180.

† The last of these writers mentions that one of Cecil's servants, two months before the event happened, advised a catholic friend of his, of the name of Buck, to be upon his guard, as some great mischief was on the forge against those of his religion :—but this circumstance, unaccompanied by others, is of no weight.

It has also been said, that king James used to call the 5th of November, the day on which the plot was discovered, "Cecil's holy-day:" now, as Cecil's favour both with his master and the public was considerably increased by the discovery of the plot, it may be supposed that the expression of James referred to this circumstance: and this is a more probable construction of his words than to suppose them used to denote that Cecil was the contriver of the plot. His contrivance of it is intimated by lord Castlemain, in the excellent Apology which we shall transcribe in a future part of this work *. This is the more important, as his lordship lived near the time of the plot, possessed more than ordinary talents and discernment, and was extremely well informed on all subjects connected with this period of the catholic history.—It must be added, that the circumstance appears to have been generally believed by the catholics of those times, and their immediate descendants.

It has been generally thought, that the letter sent to lord Monteagle, which led to the public discovery of the plot, was written by Mr. Francis Tresham, one of the conspirators. The author of "The Politicians Catechism †," says, that "one master Tresham and another catholic, who were thought to have been Cecil's instruments in all this business, having access to him even at midnight, were sent to the Tower and never seen afterwards, lest they should tell tales;—and it's very certain that Percy and Catesby might have

* Ch. lxxv. s. 4. vol. iii. pp. 47 et seq.

† Page 94.

“ been taken alive, when they were killed ; but that
“ Cecil knew full well, that these two unfortunate
“ gentlemen would have related the story less to
“ his own advantage, than himself caused it to be
“ published : therefore, they were dispatched when
“ they might have been made prisoners, having no
“ other weapons offensive and defensive than their
“ swords.”—If these intimations had been accom-
panied by any circumstances, which tended to cor-
roborate them, they might be entitled to attention :
but, in the total absence of every thing of this kind,
they deserve little regard. Because Tresham had
access at all hours to Cecil, it does not follow that
Tresham was Cecil’s instrument in a conspiracy ;—
because Tresham died suddenly in prison, it does
not follow that he was poisoned by Cecil’s order ;—
because Catesby and Percy and their followers,
rushed on the troops sent to take them, with their
swords in their hands, and “ a determination to sell
“ their lives as dearly as possible,” it does not follow,
that, if they fell in the conflict, it was because ex-
press directions had been given that they should not
be taken alive.—It may be added, that the concur-
rent testimony of all the conspirators declared that
Catesby was the author of the conspiracy, and that
Percy was his first associate ; that, from all we
know of the characters of the conspirators, Catesby
and Percy were the most unlikely to have any
communications with Cecil ; and that, when the
first news of the conspiracy was divulged, they fled
into the country, which, if they had any claims

upon Cecil for previous communications, it is most unlikely they would have done.

Besides,—from some documents published by the late Dr. Nash, in his *History of Worcestershire**, it appears probable, that the communication to lord Monteagle was made, not by Tresham, as some, or by Percy, as others, have suspected, but by Mary the wife of Mr. Thomas Abingdon, of Henlip in Worcestershire; she was a sister of lord Monteagle; and Mr. Abingdon her husband, who had taken an active part in the conspiracy, and in whose house, at Henlip, Garnett and Oldcorn were concealed, was pardoned at her intercession.

It has also been observed, in confirmation of the suspicions suggested respecting Cecil's early privity to the conspiracy, that he appears from his own admission to have known of it before the letter was sent to lord Monteagle. This is certainly true; but surely wisdom and sound policy required, that, before he made the plot public, particularly as no mischief could arise from his keeping it a secret, he should discover all the actors in it, and every person who might be reasonably suspected, from the circumstances to which the event might lead, of evil designs against the state. Had the late Cato-street conspiracy come sooner to the knowledge of his majesty's ministers, would they or ought they not to have kept it secret until they had discovered, as far as possible, all the conspirators, and all their accomplices and connections?

* They are inserted in the Appendix, Note II.

To this must be added, the total want of every kind of positive evidence to fix the charge upon Cecil: we do not find the slightest intimation, in the examination of any person engaged in the conspiracy, that he or any other person was drawn into it by the artifices of Cecil.

XLVI. 5.

Inquiry whether the Gunpowder Plot can justly be charged on the general body of the Catholics.

It remains to inquire, whether the guilt of this horrid conspiracy can be justly charged on the body of the English catholics.

Now, the smallness of the number of those, who were engaged in it, and the disapprobation expressed of it by the general body, seem to decide the question. No writer has calculated the number of catholics to have amounted, at this time, to less than one half,—and probably it greatly exceeded that proportion*,—of the whole population of England †. Many catholics,—perhaps not fewer than

* “The faction of the catholics in England is great; and able, if the kingdom were divided into three parts, to make two of them.” Strype, Ann. vol. iii. p. 313.

† Having desired a young gentleman, who favours him with his friendship, and who is particularly qualified for the task, to investigate this fact, the writer received from him the following paper:

“A List of the PEERS summoned to Parliament ‡ in the third year of King James, showing such of them as were reputed to be CATHOLICS.

“Thomas lord Ellesmere, chancellor of England.

99. “Thomas earl of Dorset, high treasurer.

‡ Dagdale's Summonses.

thirty,—were, at this time, in the peerage;—and catholics then sat and voted in the house of lords.

- “ William marquis of Winchester - - catholic.
- qy.* “ Charles earl of Nottingham, high admiral,
and steward of the household.
- qy.* “ Thomas earl of Suffolk, chamberlain of the
household.
- “ Thomas earl of Arundel - - - catholic.
- “ Henry earl of Northumberland - - catholic.
- “ Gilbert earl of Shrewsbury - - catholic.
- “ Henry earl of Kent.
- qy.* “ William earl of Derby.
- “ Edward earl of Worcester - - catholic.
- “ Roger earl of Rutland.
- qy.* “ Francis earl of Cumberland.
- “ Robert earl of Sussex.
- “ William earl of Bath.
- “ Henry earl of Southampton.
- “ Edward earl of Bedford.
- “ William earl of Pembroke.
- “ Edward earl of Hertford.
- “ Henry earl of Lincoln.
- “ Charles earl of Devonshire.
- “ Henry earl of Northampton - - catholic.
- “ Robert earl of Salisbury.
- “ Thomas earl of Exeter.
- “ Philip earl of Montgomery.
- “ Anthony viscount Montagu - - catholic.
- qy.* “ Thomas viscount Bindon.
- “ Robert viscount l’Isle.
- “ Edward lord Abergavenny - - catholic.
- qy.* “ George lord Audley.
- “ Edward lord Zouche.
- “ Robert lord Willoughby de Eresby.
- “ Thomas lord de la Warre.
- “ Henry lord Berkeley.
- “ Edward lord Morley - - catholic.
- “ Edward lord Stafford - - catholic.

Sixteen persons only are accused, in the bill of attainder; and of these, nine, at the utmost, were

- " Thomas lord Scrope of Bolton.
- " Edward lord Dudley.
- " John lord Lumley - - - - catholic.
- " Edward lord Stourton - - - - catholic.
- " Henry lord Herbert - - - - catholic.
- 93. " John lord Darcie and Meinill.
- " William lord Monteagle - - - - catholic.
- " William lord Sandys of the Vyne.
- " Henry lord Mordaunt - - - - catholic.
- " Edward lord Cromwell.
- 93. " Ralph lord Euers.
- " Philip lord Wharton.
- " Robert lord Rich.
- " William lord Willoughby of Parham.
- " Edmund lord Sheffield.
- " William lord Paget - - - - catholic.
- " Thomas lord Darcie of Chicke - - - catholic.
- 93. " William lord Howard of Effingham.
- " Dudley lord North.
- " William lord Chandos.
- " John lord Hunsdon.
- " Oliver lord St. John of Bletsoe.
- " William lord Compton.
- " Francis lord Norris of Rycot.
- 93. " William lord Knollys.
- " Edward lord Wotton.
- " Henry lord Grey of Groby - - - - catholic.
- " John lord Petre - - - - catholic.
- " John lord Harrington.
- " Henry lord Danvers.
- " Thomas lord Gerrard.
- " Robert lord Spencer.
- " Richard lord Say and Sele.
- " Edward lord Denny.
- " John lord Stanhope.
- " John lord Carew.

informed of the design to blow up the buildings by gunpowder. The others knew something of the general views of the conspirators; but the worst part was certainly concealed from them. James himself, who appears to have formed juster notions of the nature and extent of the conspiracy, than his contemporaries, proclaimed his conviction of the innocence of the general body of the catholics. In one of his publications, he treats it with great "contempt." He calls it "a *tragedy* to the traitors; but, a *tragic-comedy* to the king, and to all his new subjects*."

It is also observable, that, of the nine persons, who are supposed to have been privy to the gunpowder part of the plot, some had long outwardly conformed to the protestant religion,—and were

" Thomas lord Arundell of Wardour - - catholic.
 gy. " William lord Cavendish.

" *Observations :*

" The five Howards, peers, are,—Charles earl of Nottingham, Thomas earl of Suffolk, Thomas earl of Arundell, Thomas viscount Bindon, and William lord Howard of Effingham;—of these, Thomas earl of Arundell was certainly a catholic until the year 1614; he probably never was any thing else but a catholic. It is probable the earl of Nottingham was a catholic, as well as some of the other Howards.

" It is believed that the treasurer Dorset was catholic; many of the Sackvilles were; and most of his daughters intermarried with acknowledged catholic families.

" The several peers to whose names the writer has affixed a *gy*, are all, in his opinion, doubtful; most probably catholics, particularly lord Audley and lord Evers.

" Gilbert earl of Shrewsbury, is called *catholic* by the writer; it is *doubtful* what he was."

* King James's Works: Discourse of the Powder Treason, p. 223.

considered, by the catholics themselves, to have renounced their communion. Lord Monteagle was the first person, out of this band, to whom any intelligence of the plot was conveyed; his lordship was a zealous catholic; and we have seen that, in the instant in which it reached him, he carried the information of it to the secretary of state. The persons most instrumental in detecting the conspirators were, Cecil, earl of Salisbury, the secretary of state, the earl of Suffolk, the earl of Worcester, and the earl of Northampton. The two last were catholics. In the examinations and trial of father Garnett, the earl of Northampton took a very active part. With one exception, all the conspirators acknowledged their guilt; and expressed their repentance of it.—Fawkes, at first, justified it; but afterwards acknowledged its criminality; declared his repentance of it, and exhorted all catholics never to engage in any such bloody enterprise, “it being “a method never allowed, nor prospered, of God*.”

Sir Everard Digby, almost the only gentleman of character, who was implicated in the conspiracy, but who had no knowledge of the worst part of the infernal design, confessed, on his trial, that “he had been generally informed of there being

* “The lords of the council requested that a priest might “be appointed to attend and assure Vaux, that he was bound “to utter what he knew of the conspiracy; and master Thomas Wright, a learned priest, did thereupon come to the “council, and offer his best service therein; and had a warrant “to that purpose, subscribed with twelve privy counsellors’ “hands.” The Advocate of Conscience and Liberty, or an Advocate for Toleration rightly stated, 1673, p. 227.

“ something of consequence in hand, to promote the catholic cause :” but solemnly asserted, that “ the particulars of it were not mentioned to him.” Still he admitted, that “ he was criminal, in not revealing to government the general communications which had been made to him, and therefore pleaded guilty to the indictment.”—On the scaffold he made the same protestations ; and solemnly declared, that, “ if he had known it, at first, to be so foul a crime, he would not have concealed it to gain a world.”

As soon as the particulars of the plot became generally known, the catholics universally expressed their horror of it. Blackwell, the catholic archpriest, and the other heads of their church, immediately circulated a pastoral letter, in which he called it, “ detestable and damnable ;” and assured the catholics, “ that the pope had always condemned such unlawful practices.” They presented an address to the king, another to both houses of parliament, and a third to Cecil, the chief secretary of state ; declaring, in each, their abhorrence of the plot, asserting their innocence, and urging inquiry*.

Soon after the archpriest and the leading clergy had published their letter, the former received a brief from the pope to the same effect : on the receipt of it, he, with the leading clergy, published a second letter, in the same spirit as the preceding†.

* The Advocate of Conscience and Liberty, &c. p. 230.

† Since the preceding sheets were printed off, some important documents have come to the hands of the writer.

Whatever were the circumstances of the plot, the consequence of it was, that the penal laws against the catholics were immediately carried into execution, with great severity. Eighteen priests, and seven laymen, suffered death, for the mere exercise of their religion. One hundred and twenty-eight priests were banished; and the heavy fine of twenty pounds a month was exacted, with the

From these it appears that Clement the eighth, who, at the time of Elizabeth's decease, filled the papal chair, issued three briefs: one is dated the 12th of July 1600, and is addressed by his holiness to his nuncio at Brusselles. His holiness expresses in it his great desire that the successor of Elizabeth should be a catholic, and enjoins the nuncio, immediately on the death of Elizabeth, to prevail on the English catholics to compose the differences among themselves, and to unite in endeavours to seat a roman-catholic on the throne; but the brief does not contain the slightest intimation that they should proceed to violence, or to any unconstitutional or unlawful measures.

It also appears that the nuncio, soon after the accession of James, addressed a rescript to Dr. Gifford, a catholic divine of eminence, who was then setting off for England, by which he enjoined the doctor, in the strongest terms, to exhort the catholics of England to demean themselves, towards the king and his government, with the most perfect loyalty; and to abstain from every thing that had even the look of disobedience: he also desires Dr. Gifford to wait upon the king and queen of England, in the name of his holiness, to congratulate his majesty on his accession to the throne, and to offer to him the sincere wishes of his holiness, that he might have a long and a quiet reign.

The brief of the pope to the nuncio, and the rescript of the nuncio to Dr. Gifford, are in the possession of the writer; but he has not been able to obtain a sight of the two other briefs mentioned above.

utmost rigour, from every catholic who did not attend the service of the established church*.

CHAP. XLVII

THE OATH OF ALLEGIANCE FRAMED BY
JAMES THE FIRST.

THE temperate terms, which James used, in his address to the two houses of parliament, upon the discovery of the gunpowder conspiracy, are commended by Hume, and deserve the commendation which he bestows upon them. With the same conciliating spirit, his majesty caused to be inserted, in a statute of the same year, an oath of allegiance, to be tendered, under the provisions contained in that act, to all roman-catholic recusants. By a proclamation, issued at the same time, he also invited all his English subjects to take and subscribe it.

The circumstances attending this oath form one

* Among the priests, who suffered death, was Mr. Drewrie, one of the thirteen who subscribed the excellent protestation of allegiance, inserted in a preceding page. Some days after his condemnation, he was commanded into court, and offered his life, if he would take James's oath of allegiance. To induce him to take it, a paper in his hand-writing was produced to him, in which he argued in support of its lawfulness. He observed, that this was a private opinion, which he would not affirm on oath: he therefore refused it, and suffered accordingly. Other priests were offered their lives on the same condition; but all refused the offer. See Howell's State Trials, vol. ii. p. 358.

of the most interesting events in the history of the English catholics, subsequent to the reformation. We shall present the reader, in this chapter, I. With a brief account of the motives, which induced James to frame the oath; and to direct it to be tendered to his catholic subjects : II. With a copy of the oath : III. And with a translation of the two briefs, by which pope Paul the fifth condemned it.

XLVII. 1.

The Motives of James the first in framing the Oath.

NOTHING, in the opinion of the writer, could be more wise, or humane, than the motives of James, in framing the oath. We shall first state them, in his own words ; 2d, Then examine an allegation, which assigns different motives, if not to the monarch himself, at least to his advisers.

1st. "What a monstrous, rare, and never heard of
 "treacherous attempt," (with these words he begins
 his apology for the oath)—"was plotted, within
 "these few years, in England, for the destruction
 "of me, my bed-fellow, and our posterity—of the
 "whole house of parliament, and a great number
 "of good subjects of all sorts and degrees,—is so
 "famous already through the world, by the infamy
 "thereof, as is needless to be repeated, or pub-
 "lished, any more. The only reasons the plotters
 "gave, for so heinous an attempt, was the zeal they
 "carried to the Romish religion ; yet, were never
 "any of that profession worse used for that cause,
 "as by our gracious proclamation, immediately

“after the discovery of the said fact, doth appear.
“Only, at the setting down again of the parlia-
“ment, there were laws made, setting down some
“such orders, as were thought fit for preventing
“the mischiefs in time to come. Amongst which,
“a form of oath was formed to be taken by my
“subjects, whereby they should make a clear pro-
“fession of their resolution, faithfully to persist in
“their obedience unto me, according to their na-
“tural allegiance. To the end that I might make
“a separation, not only between all my good sub-
“jects in general, and unfaithful traitors, that
“intended to withdraw themselves from my obe-
“dience ;—but especially to make a separation
“between so many of my subjects, who, though
“they were otherwise popishly affected, yet re-
“tained, in their hearts, the print of their natural
“duty to their sovereign. And those, who, being
“carried away with the like fanatical zeal, as the
“powder traitors were, could not contain them-
“selves within bounds of their natural allegiance,
“but thought diversity of religion a safe pretext
“for all kinds of treasons and rebellions against
“their sovereign. Which godly and wise intent
“God did bless accordingly ; for very many of
“my subjects, that were popishly affected, as well
“priests as laics, did freely take the same oath ;
“whereby they both gave me occasion to think
“the better of their fidelity, and thereby freed
“themselves of that heavy slander, that, although
“they were fellow-professors of one religion of
“the powder traitors, yet were they not joined

“with them in treasonable courses against their sovereign; whereby all quietly-minded papists were put out of despair, and I gave a good proof, that I intended no persecution against them, for conscience or cause; but only desired to be secured of them, for civil obedience, which, for conscience cause, they were bound to perform.”

In several other parts of his writings on the oath, the king expresses the same sentiments. He declares, that, “he never did, nor would, presume to make an article of faith:”—that, “the oath was ordained only for making a true distinction between papists of quiet disposition, and, in all other things, good subjects; and such other papists, as, in their hearts, maintained the like bloody maxims that the powder traitors did;”—that “it was his care, that the oath should contain nothing, but matter of civil and temporal obedience, due by subjects to their sovereign power.” As a proof of his care, he mentions the following remarkable fact:—“The lower house of parliament,” to use his own words, “at the first framing of the oath, made it to contain, that the pope had no power to excommunicate me; which I caused them to reform,—only making it to conclude, that no excommunication of the pope could warrant my subjects to practise against my person and state; denying the deposition of kings to be in the pope’s lawful power; as, indeed, I take any such temporal violence to be far without the limits of such a spiritual censure, as excommunication is. So careful was I, that nothing should

“be contained in this oath, except the profession
 “of natural allegiance, and civil and temporal
 “obedience, with a promise to resist to all con-
 “trary civil violence.” A more exact description
 of the different natures of spiritual and temporal
 power cannot be produced.

2. On perusing these, and many other passages
 of the same spirit, which are to be found in the
 writings of the royal author, it seems impossible
 to contend, that the monarch’s views were not both
 kind and salutary. Other views are, however, at-
 tributed to his advisers. It is said, that “the
 “the wording of the oath was drawn up in such
 “ambiguous terms, that a tender conscience,—(the
 “best disposed towards paying civil allegiance),—
 “could not digest it;”—that the “wording of it
 “was chiefly committed to archbishop Bancroft*,
 “who, with the assistance of Christopher Perkins,
 “a renegado jesuit, so calculated the whole to the
 “designs of the ministry, that they met with their
 “desired effect; which was, first, to divide the
 “catholics about the lawfulness of the oath; se-
 “condly, to expose them to daily persecutions, in
 “case of refusal; and in consequence of this, to
 “misrepresent them, as disaffected persons, and of
 “unsound principles, in regard of government.”
 Such is the statement given of this circumstance,
 by Dodd †.

On this subject, Dodd’s authority is certainly
 entitled to great respect; and his statement receives

* See More, p. 28.

† Church History, vol. ii. part 5, art 4.

some confirmation from a passage in the *Athene Oxonienses**, where, on the authority of a manuscript *Review of the Court of king James, by Goodman, bishop of Gloucester*, Mr. Wood mentions, that “sir Christopher Perkins,”—(for the jesuit had been created a knight),—“had a hand in contriving and drawing up the oath of allegiance, while he was intimate with Dr. Bancroft†.” It receives a further confirmation, from a passage in cardinal Bentivoglio’s *Relazioni delle Provincie*‡, in which, as he is translated in the Answer to the *Memoirs of Panzani*§, his eminence,—alluding to the oath of allegiance,—says, that, “in contriving this new machine against the catholic religion, the authors had principally two things in view: one was, to furnish the king an opportunity of proceeding with an increase of rigour against the persons and property of catholics; it being easily foreseen, that many of them would refuse the oath, in which heretical terms were used to deny all authority of the Roman pontiffs, under whatsoever interpretation and form, in temporal affairs of princes||:—the other was, to give new

* Vol. i. p. 22.

† That Bancroft was concerned in framing the oath, and intended it should occasion a disunion among the catholics, is confirmed by a passage in *Osborne’s Secret History of the Court of James the First*. Ballantyne’s edition, page 61.

‡ Page 215.

§ Page 159.

|| A remarkable expression:—it shows that the main objection of the pope and his adherents to the oath, was its rejection of the pope’s deposing power, and not merely to the terms in which the doctrine asserting it was described.

“ occasion to the discontents among the catholic clergy ; it being held for certain, that several of them, either through dread of punishment, or through tepidity in religion would be induced to swallow the oath ; and to advise others to follow their example*.”—It is probable that some, at least, of his majesty’s ministers were not so favourably disposed towards the catholics as their royal master.—But that James’s own views in the framing of this oath, were most benign, the writer has not discovered any just reason to doubt. In the controversy respecting the lawfulness of the use of the Chinese rites by the converts to christianity, the jesuits contended that they were merely civil, and on that account unobjectionable. In confirmation of their opinion, they appealed to the testimony of the emperor and his council ; it was favourable to them, and they justly thought it entitled to the greatest weight. Nothing can be more preposterous than the attempts of the jansenists to criminate the jesuits for their appealing to the Chinese for the meaning in which they themselves understood the controverted word. It was the same with James’s oath : whether the meaning of it was orthodox, was a point of theology, and belonged to the cognizance of the church ; but what the meaning of James was when he framed it, was best known to James himself.

In support of the allegation respecting the sinister views of the framers of the oath, intentional obscu-

* In a future page, we shall transcribe a further extract from this work.

riety and objectionable language were imputed to some of its clauses; and the words "impious," "heretical," and "damnable," used in describing the imposing doctrine, were severely condemned*. It must be admitted, that each of these words was singularly improper.

The great objection, however, to the oath, was its absolute denial of the pope's deposing power. "This," says the rev. Roger Widdrington, the learned and able benedictine advocate of the oath †, "was the rock of scandal, the stone of offence, on which the bulk of the learned and the unlearned of those times generally stumbled."—Even the illustrious Bellarmine, (for that epithet is justly due to his virtues, his learning, and his talents) ‡, maintains, that "the assertion,—that the pope, as pope, and by divine right, has no temporal power, and cannot, in any manner, command secular persons, or deprive them of their kingdoms and sovereignty, though they deserve to be deprived of them,—is not so much an opinion as a heresy." This was the burthen of many a page, which the cardinal and his collaborators published, in support of the briefs, which, as will be seen immediately, Paul the fifth issued against the oath. This, therefore, to repeat Widdrington's words, was, the *petra scandali*, the *lapis offensionis*. Had the parties

* See Ecclesiastical Democracy Detected; by the Rev. John Milner, 1793, 8vo.

† Disputatio Theologica de juramento Fidelitatis, ch. iii. § 1.

‡ De Romano Pontifice, lib. iii. c. 1.

agreed on this point, there would have been no final disagreement between them*.—In a future page, the complete rejection of the pope's deposing power, by the present English, Scottish, and Irish catholics, in the oaths prescribed to them in the present reign, will be mentioned.

XLVII. 2.

The Oath of Allegiance framed by James the first.

THE oath is expressed in the following terms :
 " I, A. B. do truly and sincerely acknowledge,
 " profess, testify, and declare, in my conscience,
 " before God and the world, that our sovereign
 " lord king James is lawful and rightful king of
 " this realm, and all other his majesty's dominions
 " and countries ; and that the pope, neither of

* On the denial itself of the pope's deposing power, not on the language in which that denial was expressed, father Juvençi (*Historia Soc. Jesu*, lib. xiii. § 4.) grounds his objection to the oath : " Singulos in certa verba jurare jussit, quibus
 " eam summo pontifici auctoritatem abrogabat, quam in-
 " esse illi confitentur quicunque ipsum Christi vicarium, et
 " summum ecclesiæ pastorem agnoscunt : quam christianus
 " orbis, in concilio Lateranensi congregatus, ipsi concessam
 " professus est." A very different construction of this decree, if it be such, of the fourth council of Lateran, has been contended for by Dr. Hay, Dr. Milner, Mr. Lingard, Mr. Potts, and other catholic writers. Bossuet led the way to all that has been said on this subject, by his discussion, in the 4th book of his *Défense de la Déclaration du Clergé de France—sur le genre des lois, que l'Eglise impose, du consentement des Princes, et avec le secours de leur lois*, &c. &c. On this famous article of the fourth council of Lateran, Mr. Plowden's *Church and State*, book ii. c. 7, may be usefully consulted.

“ himself, nor by any authority of the church or
“ see of *Rome*, or by any other means with any
“ other, hath any power or authority to depose
“ the king, or to dispose of any of his majesty’s
“ kingdoms or dominions; or to authorize any
“ foreign prince to invade or annoy him or his
“ countries; or to discharge any of his subjects of
“ their allegiance and obedience to his majesty;
“ or to give license or leave to any of them to bear
“ arms, raise tumults, or to offer any violence or
“ hurt to his majesty’s royal person, state, or go-
“ vernment, or to any of his majesty’s subjects,
“ within his majesty’s dominions.

“ Also, I do swear, from my heart, that, notwith-
“ standing any declaration, or sentence of excommu-
“ nication, or deprivation made or granted, or to be
“ made or granted, by the pope or his successors, or
“ by any authority derived, or pretended to be de-
“ rived, from him or his see, against the said king,
“ his heirs or successors, or any absolution of the
“ said subjects from their obedience; I will bear faith
“ and true allegiance to his majesty, his heirs and
“ successors, and him and them will defend, to the
“ uttermost of my power, against all conspiracies
“ and attempts whatsoever, which shall be made
“ against his or their persons, their crown and dig-
“ nity, by reason or colour of any such sentence,
“ or declaration, or otherwise; and will do my best
“ endeavours to disclose and make known unto
“ his majesty, his heirs and successors, all treasons
“ and traitorous conspiracies which I shall know
“ or hear of to be against him, or any of them.”

“ And I do further swear, that I do from my
 “ heart abhor, detest, and abjure, as impious
 “ and heretical, this damnable doctrine and posi-
 “ tion,—that princes, which be excommunicated
 “ or deprived by the pope, may be deposed or
 “ murdered by their subjects, or any other what-
 “ soever.

“ And I do believe, and in my conscience am
 “ resolved, that neither the pope, nor any other
 “ person whatsoever, hath power to absolve me of
 “ this oath, or any part thereof, which I acknow-
 “ ledge by good and full authority to be lawfully
 “ administered unto me ; and do renounce all par-
 “ dons and dispensations to the contrary.

“ And all these things I do plainly and sin-
 “ cerely acknowledge and swear, according to
 “ these express words, by me spoken ; and accord-
 “ ing to the plain and common sense and under-
 “ standing of the same words ; without any equiv-
 “ cation, or mental evasion, or secret reservation
 “ whatsoever. And I do make this recognition
 “ and acknowledgment, heartily, willingly, and
 “ truly, upon the true faith of a christian:

“ So help me God.”

XLVII. 3.

*Paul the fifth against the Oath of
 Allegiance.*

4th.

sur le
 Prince.

article of
 and State,

s translated by James the

ulation, and aposto-

“ licall benediction. The tribulations and calamities which ye have continually sustained for the keeping of the catholike faith, have alwayes afflicted vs with great grieve of mind. But, forasmuch as wee vnderstand, that, at this time, all things are more grievous, our affliction is hereby wonderfully increased. For, wee have heard how you are compelled, by most grievous punishments set before you, to go to the churches of heretikes, to frequent their assemblies, to be present at their sermons. Truly, wee doe vndoubtedly beleene, that they, which with so great constancie and fortitude have hitherto endured most cruell persecutions, and almost infinite miseries, that they may walk without spot in the law of the Lord, will never suffer themselves to bee defiled with the communion of those that have forsaken the divine law. Yet notwithstanding, being compelled by the zeale of our pastorall office, and by our fatherly care, which we doe continually take for the salvation of your soules, we are inforced to admonish and desire you, that, by no meanes, you come vnto the churches of the heretikes, or hear their sermons, or communicate with them in their rites, lest you incurre the wrath of God. For these things may yee not doe, without indamaging the worship of God, and your owne salvation. As likewise, you cannot, without most evident and grievous wronging of God's honour, bind yourselves by the oath, which, in like manner, we have heard, with very great grieve of our

“ heart, is administered vnto you, of the tenor under
“ written, viz.” (I, A. B. &c.)

“ Which things, since they are thus, it must
“ evidently appeare vnto you, by the words them-
“ selves, that such an oath cannot be taken, without
“ hurting of the catholike faithe, and the salvation
“ of your soules : seeing it containes many things,
“ which are flat contrary to fayth and salvation.
“ Wherefore we doe admonish you, that you doe
“ vtterly abstaine from taking this and the like
“ oathes : which thing we doe the more earnestly
“ require of you, because we have experience of
“ the constancy of your faithe, which is tried, like
“ gold, in the fire of perpetuall tribulation. We doe
“ well know, that you will cheerefully vndergo all
“ kind of cruel torments whatsoever ; yea, and
“ constantly endure death itselſe, rather than you
“ will, in any thing, offend the maiestie of God.
“ And this our confidence is confirmed by those
“ things, which are daily reported vnto vs, of the
“ singular virtue, valour, and fortitude, which, in
“ these last times, doeth no less shine in your mar-
“ tyrs, then it did in the first beginning of the
“ church. Stand therefore, your loynes being girt
“ about with veritie, and hauing on the brest plate
“ of righteousness, taking the shield of faith, bee
“ yee strong in the Lord, and in the power of his
“ might ; and let nothing hinder you. Hee, which
“ will crowne you, and doeth in heauen behold
“ your conflicts, will finish the good work which
“ he hath begun in you. You know how hee hath

“ promised his disciples, that hee will never leave
“ them orphanes ; for he is faithfull that has pro-
“ mised. Hold fast, therefore, his correction ; that
“ is,—being rooted and grounded in charitie, what-
“ soever yee doe, whatsoever yee endeavour, doe it
“ with one accord, in simplicitie of heart, in meeke-
“ nesse of spirit, without murmuring, or doubt-
“ ing. For by this doe all men know, that wee
“ are the disciples of Christ, if we have loue one
“ to another. Which charitie, as it is very greatly
“ to bee desired of all faithfull christians, so, cer-
“ tainely, is it altogether necessary for you, most
“ blessed sonnes. For by this your charitie, the
“ power of the deuill is weakened ; who doeth so
“ much assail you, since that power of his is espe-
“ cially vp-held by the contentions and disagree-
“ ments of our sonnes. We exhort you, therefore,
“ by the bowells of our Lord Jesus Christ, by
“ whose love wee are taken out of the lawes of
“ eternall death, that, above all things, you would
“ have mutuall charitie among you. Surely, pope
“ Clement the eight, of happy memory, hath giuen
“ you most profitable precepts of practising bro-
“ therly charitie one to another, in his letters, in
“ form of a breue, to our well-beloved sonne,
“ M. George, archpriest of the kingdome of Eng-
“ land, dated the 5th day of the moneth of October
“ 1602. Put them, therefore, diligently in prac-
“ tise ; and be not hindered by any difficultie or
“ doubtfulnesse. We command you, that ye doe ex-
“ actly obserue the words of those letters ; and that
“ ye take and vnderstand them, simply as they

“ sound, and as they lie ; all power to interpret
“ them otherwise being taken away. In the meane
“ while, we will never cease to pray to the Father
“ of mercies, that hee would, with pitie, beholde
“ your afflictions and your paines, and that he
“ would keepe and defend you with his continuall
“ protection ; whom we doe gently greet with our
“ apostolicall benediction. Dated, at Rome, at
“ S. Marke, vnder the signet of the Fisherman, the
“ tenth of the kalends of October 1606, the second
“ yeare of our popedome.”

It appears that, when the brief reached England, great doubts were entertained of its authenticity. This circumstance produced a second brief. It is translated, in the following terms, by the royal polemic :

“ Beloued sonnes, salutation and apostolicall
“ benediction. It is reported vnto vs, that there
“ are found certaine amongst you, who, when as
“ wee have sufficiently declared by our letters,
“ dated the last yeere, on the tenth of the kalends
“ of October, in the form of a breue, that yee cannot,
“ with safe conscience, take the oath which was
“ then required of you ; and when, as wee have
“ further straitly commaunded you, that by no
“ meanes ye should take it ; yet there are some,
“ I say, among you, which dare now affirme, that
“ such letters, concerning the forbidding of the
“ oath, were not written of our own accord, or of our
“ owne proper will, but rather for the respect and
“ at the instigation of other men : and for that
“ cause the same men doe goe about to persuade

“ you, that our commands, in the said letters, are
“ not to be regarded. Surely, this newes did
“ trouble us ; and that so much the more, because
“ having had experience of your obedience, (most
“ dearely beloved sonnes), who, to the end ye might
“ obey this holy see, have godly and valiantly
“ contemned your riches, wealth, honour, libertie,
“ yea and life itselfe ; we should never have sus-
“ pected that the trueth of our apostolique letters
“ could once have been called into question among
“ you, that by this pretence yee might exempt
“ yourselues from our commandements. But we
“ do herein perceive the subtiltie and craft of the
“ enemy of man’s saluation ; and we doe attribute
“ this your backwardnesse, rather to him than to
“ your owne will. And for this cause, wee have
“ thought good to write the second time vnto
“ you ; and to signifie vnto you againe, that our
“ apostolike letters, dated the last yere, on the tenth
“ of the calends of October, concerning the prohi-
“ bition of the oath, were written, not only vpon
“ our proper motion, and of our certaine know-
“ ledge, but also after long and weightie deli-
“ beration vsed, concerning all those things which
“ are contained in them ; and that, for that cause,
“ yee are bound fully to observe them ; rejecting
“ all interpretation perswading to the contrary.
“ And this is our meere, pure, and perfect will ;
“ being always carefull of your saluation, and
“ alwayes minding those things which are most
“ profitable vnto you. And we doe pray without
“ ceasing, that he that hath appointed our lowli-

“nesse to the keeping of the flocke of Christ, would
 “enlighten our thoughts and our counsels; whom
 “wee doe also continually desire, that he would
 “increase in you, (our beloved sonnes), faith, con-
 “stancy, and mutuall charitie and peace, one to
 “another. All whom we doe most loveingly blesse,
 “with all charitable affection.

“Dated at Rome, at Saint Marke’s, under the
 “signet of the Fisherman, the X of the calend
 “of September 1607; the third yeere of our
 “popedome.”

CHAP. XLVIII.

THE CONTROVERSY RESPECTING THE LAWFUL- NESS OF THE OATH.

TO all who are interested, either in the history of the times, to which these pages relate, or in the history of the pretensions of the popes to temporal power, this controversy is of singular importance. This, however, is not the place for detailing its particulars: the combatants, who principally distinguished themselves in it, were cardinal Bellarmine and father Preston, an English Benedictine monk, who assumed, in this controversy, the surname of Widdrington. Each wrote as a scholar and a gentleman. The objections to the oath were numerous; but, as we have already said, and must repeat in this place, the *cardo cause*, the hinge, on which the merits of the case principally rested, was the lawfulness of the absolute denial, expressed in

the oath, of the pope's divine right to the power of deposing sovereigns from their kingdoms for heresy. This is placed beyond controversy by a letter from father Wilford to father Leander*, who, at the time when it was written, was employed in framing such an oath of allegiance as should satisfy both the British government and the English catholics. "Look over the oath which usually is exhibited to catholics in Ireland, examine other forms of oath in catholic countries, add to them, augment them, and endeavour to form them in that kind and those words, which may content and secure his majesty, as is most just and reasonable to be done, yet take heed of meddling with the deponibility of princes; for that article will never pass here. If this point of the oath could be helped, and this *petra scandali* taken away, and the catholics freed from it, how many thousand of benedictions would the catholics heap upon his majesty."

To this objection to the oath we shall afterwards advert; some other of the objections to it must now seem very extraordinary. Two of this description are mentioned by Dr. Bishop, as those, which principally deterred him from taking this oath. In a manuscript, with an extract of which the writer has been favoured, the doctor writes, that "he had been taken, on the day before, to the archbishop of Canterbury, to express to his grace his opinion upon the lawfulness of the oath:—'I told him," says Dr. Bishop, that after most diligent exami-

* Dated Rome, May 9, 1635. Clarendon's State Papers, vol. i. p. 272.

"nesse to the keeping of the flocks & any reasons
 "enlighten our thoughts and or objected to the
 "wee doe also continually d princes cannot be
 "increase in you, (our belo the word 'princes,'
 "stancy, and mutuall ch princes, which can-
 "another. All whom w I am not ignorant that
 "with all charitable : hold their principalities
 "Dated at Rom and any therefore be deprived of
 "signet of the F causes. 2dly, In the last
 "of September neither the pope, nor any
 "popedome."

THE C

Tc
of
h

J

"the pope can absolve the party taking it from
 "the oath: which I said I could not affirm upon
 "and: for, (to say nothing of his holiness), the
 "being to whom the oath is taken, may unques-
 "tionably absolve me from it. The archbishop of
 "Canterbury argued, in his usual manner, against
 "my objections: he said that the framers of the oath
 "had not the intention, which I ascribed to them;
 "and that the words bore another meaning: I an-
 "swered, that there was a clause in the oath, which
 "said, that the words were to be taken in their
 "plain and obvious meaning, and not otherwise;
 "wherefore no person, who took the oath, could
 "rely upon any other interpretation of the words."

It is wonderful that such objections to the oath
 could be gravely urged: the word "princes,"
 could only mean princes, civilly independent of the
 pope; the word "absolve," could not be meant
 to include the absolution of those, who were en-
 titled to the performance of the obligation, and to
 whom, therefore, it must always be competent to
 absolve from that obligation. It is observable that

cribed to the English roman-catholics, in the eighteenth year of his late majesty, in the propositions to which Dr. Bishop obnoxious catholics who take it, renounce, upon their opinion that "princes," excommunicated by the pope, may be deposed; and they declare, upon oath, that they cannot be absolved of it, though the pope "or any other person," should dispense with it.

But,—whatever may be the thought of the groundlessness of the objections to the oath,—still, as they proceeded from feelings of conscience, the refusal of the oath did honour to those who made the objection. We may say of them, what we have said of the priests, who refused to subscribe to the denial of the pope's deposing power, expressed in the six articles tendered to them by the ministers of queen Elizabeth*:—it was an error—a lamentable error—but it was a triumph of conscience over persecution. It reflected honour on the whole catholic body: the page of history does not produce higher proof of a general conviction of the sacred obligation of an oath. When the want of this conviction is objected,—(but what gentleman now objects it?);—to a catholic, he may confidently appeal to these two facts, as an unanswerable refutation of the charge; he may ask confidently, what stronger refutation of such a charge, hath been, or can be produced?

* Ch. xxiv. s. 2.

CHAP. XLIX.

THE EXAMINATION OF MR. BLACKWELL, THE
ARCHPRIEST, BEFORE HIS MAJESTY'S ECCLE-
SIASTICAL COMMISSIONERS.

THE most important doctrine in the history of this controversy, is, "The large Examination, taken
" at Lambeth, according to his Majesty's direction;
" point by point, of Mr. *George Blackwell*,—made
" *archpriest* of England by pope Clement the
" eighth—upon occasion of an Answer of his,
" without the privity of the State, to a Letter lately
" sent to him by cardinall Bellarmine, blaming him
" for taking the Oath of Allegiance. Together with
" the Cardinall's Letter, and Mr. Blackwell's Letter,
" to the Romish-catholicks in England, as well
" ecclesiastical as lay. Imprinted at London by
" Robert Barker, Printer to the King's most excel-
" lent Majesty, 1607."

The commissioners at this examination were the archbishop of Canterbury, the bishop of London, the bishop of Chichester, Mr. James Montague, Mr. Edward Stanhope, Mr. J. Bennett, Mr. R. Swate, Mr. Richard Neyle, Mr. J. King, and Mr. William Ferrand.

It would be difficult to produce an instance of a legal discussion, or even of a literary investigation, in which the inquiry has been conducted with so much method,—in which the point under consideration has been so completely cleared of extraneous matter,—or in which, by a regular series of

inquiries,—beginning with the most easy, and arising to the most difficult,—a question singularly complicate and delicate, has been so completely brought to a decisive issue.

The examination began by Mr. Blackwell's propounding,—with the leave of the court,—his own system on the spiritual and temporal power of the pope. He did this at some length, in perspicuous and measured language, but in terms too general to satisfy the commissioners. They therefore called on him for explanations, and received them from him.

1. He is first asked,—whether, in virtue of the alleged cessions of Henry the second, and of king John, to the popes,—the kingdoms of England and Ireland, or either of them, were parts of the temporal dominions of the pope?

To this the archpriest answers, in the words of sir Thomas More, “Rome never could show such a grant; and, if she could, it were nothing worth.”

2. The commissioners then observe, that several canonists,—among whom they particularly notice cardinal Baronius,—affirm that “*the pope is as directly lord of the whole world in temporals, as he is head of the universal church in spirituals; and that he hath directly a sovereign authority, in respect of such his worldly dominion, over all emperors, kings, and princes, to dispose of them and their kingdoms, when occasion shall require, as he hath, in regard of the spiritual supremacy.*”

*“over all bishops and clergymen, to advance and
 “deprive them, when he thinketh it convenient, and
 “that they do deserve it.*

The archpriest replies,—that, “in his answer
 “to Bellarmine, he had sworn,—that the bishop
 “of Rome had no imperial or civil power to dis-
 “pose, at his pleasure, of the king’s majesty. That,
 “as he had sworn, so did he then constantly affirm,
 “that he holdeth the opinion before spoken o
 “concerning the pope’s direct dominion and su-
 “preme authority over all the world in temporals,
 “to be untrue.”

3. Advancing in the inquiry, the commissioners
 notice to him,—“another kind of authority as-
 “cribed to the pope, and tending to the same end,
 “—that, *in order to things spiritual, and indirectly,*
“all kings and princes, with their kingdoms and
“countries, are subordinate to the pope, insomuch
 “if he see cause, and that kings and princes will
 “not be advised by him, he may not only excom-
 “municate them, but, proceeding by degrees,
 “depose them, absolve their subjects from their
 “oaths of allegiance, and rightfully command
 “them, if need be, to bear arms against them.”

The archpriest replies, that, “the pope’s ex-
 “communication can produce no such effect as
 “deposition, eradication, absolution of subjects
 “from their oath of allegiance, nor any sufficient
 “warrant, either to rebel, or lay violent hands
 “upon the king.”—He admits that some canonists
 have held the affirmative of this proposition :—
 “but what private men write, should not,” he

says, "be imputed to the doctrine of the catholic church, or to the prejudice of any man, who does not hold it."

4. Diverging somewhat from their strict line of inquiry, the commissioners then cite to the archpriest, passages in the works of several writers, which assert, that *the obedience of catholics at different times to excommunicate princes, was owing, not to their not having a right to resist, but to their not having the means for successful resistance.*

The truth of the assertions of these authors, the archpriest denies unequivocally. He expresses his wonder, that they were ever made,—observing, that they would thus exhibit the apostles and martyrs as mere temporizers; and that, in the early writers of the church, there is not a single syllable of such language.

5. The commissioners then return to the indirect temporal power of the pope.

Here,—the archpriest cites the very strong and decisive facts and arguments, by which cardinal Bellarmine combats the doctrine of the pope's direct power in temporals. He contends, that these apply equally to his alleged indirect temporal power; and conclude by wishing, with all his heart, that either cardinal Bellarmine had not intermeddled with the question of the pope's authority, in temporals; or else, that he had been able to handle it, if it had any truth in it, more pithily, and thoroughly. "In sum thereof," concludes the archpriest, "the pope's power ought not to be extended beyond the power of the kingdom of heaven, and of the censures of the church,

“ properly so called. He hath no authority in
“ temporals, either directly or indirectly, to depose
“ kings, &c.—by what name or title soever the
“ said power is called ;—whether he putteth it in
“ practice, in order to spiritual things, or whether
“ the end he aimeth at, by such his proceedings,
“ with any king or prince, be spiritual or super-
“ natural ; that is, be pretended to be undertaken
“ for the good of the church and promoting of
“ christianity ; the same, in his judgment, being
“ neither apostolical, nor agreeing to the practice
“ of the most worthy bishops of Rome in the pri-
“ mitive church, and for a long time after ; nor
“ available in truth to the catholic church ; but
“ rather hurtful, and great hindrance thereto.”

He then, “ truly and sincerely, from the bot-
“ tom of his heart, declares in his conscience, be-
“ fore God and the world, that king James his
“ sovereign lord, is *jure divino*, and by the posi-
“ tive laws of this realm, lawful and rightful king
“ of this realm, and of all other his majesty’s
“ dominions and countries, both *de facto* and *de*
“ *jure* ; and that it was not lawful, either for his
“ majesty’s subjects to have withstood him, nor
“ even could it be lawful for them, now that he is
“ their king, to rise up against him, or seek, by
“ any ways or means, to hurt him, either in his
“ health or in his regal state, although he (the
“ king), denieth the pope’s supremacy in causes
“ ecclesiastical, and seeketh to suppress all those
“ that dissent from him in those points of religion
“ which he embraceth ; and though likewise they,
“ his said subjects, being either catholics or pro-

“testants, had sufficient number, forces, and ability, so to do, without any scandal for the catholic cause, and without any danger to themselves, either in their goods or lives.

6. It might have been expected, that this full and explicit answer would have closed the inquiry. The commissioners, indeed, said, that the archpriest had very well discharged his duty. Still they involved the interrogatory to a higher power, —to the highest, perhaps, to which the inquiry could be carried. “It is possible,” they said, “that the pope may define the deposing power to be a matter of faith; then,” they observed, “it must be acknowledged by popish catholicks, that his holiness may depose kings, and deale with their subjects, as is aforesaid;—and thus his majesty, and all other christian princes, as their occasions fall out, must still rest unassured of the loyalty of their subjects, and of their own safeties;—it is therefore,” they add, “necessary, that the archpriest should clear this poynt.”

To this question, the archpriest replied,—That he was perfectly assured, that the pope would not make such a determination, and that he *could not make it*: “he cannot,” said the archpriest, “determine it to be lawful, under any pretence whatever, for a man to commit adultery with his neighbour’s wife; no more can he determine it to be lawful, under any pretence whatever, for any of his majesty’s subjects to bear arms against him; —both of them being against the moral law of

“ God, which the gospel doth, in no one point, prejudice.—Nor, as he cannot, by any pretence whatsoever, make a son to be no son, during the life of his father ;—no more can he make the born subject of any king, not to be his subject, so long as the king liveth.”

7. *Cardinal Allen's admonition to the Nobility of England*,—noticed in a former part of this work,—being mentioned ; the archpriest declared, “ that he could not choose but confess, from all his heart, that he did dislike, and disavow, all the arguments published in that book, which had tendency to persuade the queen's subjects to take part with the forces of the king of Spain ; because she was deposed by the pope's sentence ; and in some other respects therein mentioned ; and likewise all the persuasions, and resolutions, which were sent into Ireland from Salamanca, or from any place else, tending to the same purpose.”

8. Several passages from the works of cardinal Allen, and of doctor Stapleton, being then read by the commissioners to the archpriest ;—“ Alas ! alas !” he cried, “ what mean you to increase my sorrow ? I have said enough before, to show you how much I do detest these kind of positions, as being infected, if not with a canker, at least with untruths. How glad should I have been, if these kinds of positions, now charged on me, had been left to Buchanan, and such of his followers, as have run that race.” He ex-

pressed his humble desire, that “ he might be no “ further troubled with these uncatholic and bloody “ novelties :” and therein he had his desire.

He was soon after deposed by the pope from his situation of archpriest: he persisted, however, to his death, in his approbation of the oath : on the 25th. of January 1612, being suddenly taken ill, some priests attended him ; he assured them that he thought it a lawful oath, and in taking it he had done nothing contrary to conscience*.

CHAP. L.

ULTERIOR OCCURRENCES RESPECTING THE PRO- TESTATION OF ALLEGIANCE.

AFTER some further observations and replies, the examination closed.—As it appeared to the writer to contain much interesting matter, and the copies of it are extremely rare, he thought an account of its most remarkable passages would be acceptable to the reader ; and probably the reader will think with him, that the archpriest’s statements and answers were expressed with great precision,—and do credit to him, as a sound divine, a loyal subject, and an honest man.—Soon after his examination, the archpriest addressed a second letter to the English catholics, repeating his approbation of the oath, recommending them to take it ; and advising them not to be deterred from doing so, by the briefs of the pope. He received a second letter

* Widdrington, Theolog. Disp. c. 10, § 4.

from Bellarmine, under the title of *Apologia contra Præfationem Monitorem Jacobi Regis* : the cardinal published also a Reply to his majesty's Præmonition.

It appears, that the briefs of Paul the fifth, for some time, withheld the general body of English catholics from taking the oath prescribed by James, and induced some, who had taken it, to retract, as far as it was in their power, their signatures to it. The adversaries of the catholics availed themselves of this circumstance to inflame the popular prejudices ; and demanded, that the laws against popery should be carried into execution, with increased severity. The weak prince obeyed the call ; and the miseries of the catholics were greatly aggravated. We shall close the history of the oath, with an account, I. Of a petition of eight priests confined in Newgate, to Paul the fifth, for an explanation of his briefs respecting it : II. Of the opinion of several doctors of Sorbonne, in favour of the lawfulness of the oath ; and of Bossuet's sentiments upon it : III. Mention will then be made of the final division of opinion of the roman-catholics respecting it : IV. And of the complete rejection, in the declaration of the Gallican clergy in 1682, of the pope's deposing power.

L. 1.

The Petition of eight Priests confined in Newgate, to Paul the fifth, for an explanation of the Briefs.

IN the afflicting circumstances, which we have mentioned, eight priests, imprisoned in Newgate,

presented a petition to the pope, describing their sufferings in affecting terms; and imploring his holiness, in the most religious and dutiful language, to commiserate their case; and to specify those expressions in the oath which were so substantially objectionable, as to make the taking of it unlawful. It does not appear that any answer was given to this application.

Many representations of the same nature were made to the pope, at different times, by several, both of the English clergy and laity, but without effect.

L. 2.

Opinion of several Doctors of the Sorbonne in favour of the Oath.—Sentiments of Bossuet respecting it.

THE advocates of the oath then laid it before the doctors of the Sorbonne; and asked their opinion,—“Whether roman-catholics could conscientiously take it?” Forty-eight doctors replied in the affirmative. The only clause, which seems to have occasioned any difficulty, was that, by which the party abjured, as “*heretical*,” the position, that princes “excommunicated, or deprived, “by the pope, might be deposed, or murdered, “by their subjects.”—The doctors propounded the sense, in which the party, who took the oath, was to understand this clause.

But this opinion did not satisfy the adversaries of the oath; they insisted, that the bulls of Paul the fifth, which forbad it to be taken, because it contained many things openly contrary to faith

and salvation, must ever remain in force ;—that the clause which has been noticed, did not admit of the interpretation attached to it by the forty-eight doctors ;—that this interpretation proceeded on a distinction, above the capacity of the vulgar :—and perhaps not admitted by the magistrate, who might tender the oath ;—and that six doctors of the faculty,—men, venerable for their age, and learning,—had objected to the oath, and declared, that it could not be taken conscientiously, by a catholic.

The briefs of Paul the fifth, were confirmed by pope Urban the eighth, by a brief dated the 1st of February 1608. It was announced by Mr. Birket, who succeeded Mr. Blackwell in the office of arch-priest, in a letter, which, “ with wonderful corrosive sorrow and grief,” to use his own words, he addressed for this purpose to the secular catholic clergy of England.

On any point of theology, the opinion of Bossuet is important: we are happy to have it in our power to present to our readers his opinion on James’s oath. In a letter, dated the 28th October 1682, he says,—“ I understand, that the inquisition has “ condemned the sense, favourable to the independence of the temporal power of sovereigns, “ which some doctors of the faculty of theology of “ Paris have given to the English oath. All will “ be lost by this haughtiness. It is not by these “ means, that the authority of the holy see will be “ re-established.”

* Benedictine edition, vol. ix. p. 439.

The prelate discusses the oath at length, in his *Défense de la Déclaration du Clergé de France**. "I hesitated long," he says, "whether I should speak of the disputes on the English oath respecting our question, because I knew that a consultation on the subject of the oath, which James the first, the king of England, exacted from his catholic subjects, had been put at Rome into the Index, in 1683. We believe, and say loudly, that, according to the ancient right of the church of France, often confirmed in practice, these sorts of decrees do not bind us."

Bossuet then proceeds to the bull of Paul the third, by which he deposed Henry the eighth, and absolved his subjects from their allegiance †. "In this bull," says Bossuet, "Paul commanded many things purely temporal, as well to the subjects of Henry, as to other christian princes,—and even to kings, whom he excepts only from his censures, without dispensing their subjects from obeying: still, no one, either in England or elsewhere, took the least step, by land or by sea, to put his orders into execution. The decree of Pius the fifth, by exciting the English to revolt, could only have the effect of exposing or delivering them to a more certain death, without a pretence, on any solid grounds, to the glory of martyrdom; as they would have been punished, not as catholics; but as rebels."

Bossuet then states the oath of James the first.

* Livre iv. c. 23.

† Ante, vol. i. c. 18, p. 210.

“It is true,” he observes, “that a clause, cap-
“tious, and calculated to render the papal power
“odious, was inserted in this oath. Simple indi-
“viduals were forced by him to condemn, as im-
“pious and heretical, the opinion maintained
“conscientiously, and as probable, by many per-
“sons of great merit, by many saints, and even by
“the popes themselves,—that the ecclesiastical
“power may depose kings, at least for the crime
“of heresy. Assuredly it was lawful for the Eng-
“lish, after an attentive examination of the ques-
“tion, to reject, as we do, this opinion; but it
“appeared extravagant and rash, to condemn it
“as heretical, without waiting for the judgment
“of the church.

“The pope, having reported the oath,—adds,
“‘You must perceive, by the simple reading of the
“bull, that persons cannot take it, and preserve
“at the same time the purity of the catholic faith,
“without exposing their souls to perdition, as it
“contains *many things* manifestly contrary to the
“faith, and to the salvation of souls.’

“The pope does not say, which are those things,
“manifestly contrary to the faith, and the salvation
“of souls. Many persons thought that the oath
“was only contrary to the faith and the salvation
“of souls, inasmuch as it condemned, as heretical,
“a proposition, which the church has not declared
“to be such. But, (to express my opinion with
“the sincerity and freedom which becomes a
“christian bishop), I believe that the court of
“Rome was very glad to employ vague terms, and

“ not explain itself, from a fear of being forced to
“ confess that the proposition, though it did not
“ deserve the qualification of heretical, might be
“ censured with more measured expressions. Do
“ not say that Paul the fifth has raised to a dogma
“ of faith, the opinion, that popes may depose
“ kings. It is not, in this form, with this ambi-
“ guity of expression, that dogmas are established.
“ For, notwithstanding this bull, several English
“ were accused of a false conspiracy against the
“ king, and condemned to death in 1678, and
“ 1681 ; and these, in the moment of losing their
“ lives, declared that they acknowledged, with all
“ their heart, Charles the second for their true and
“ legitimate king, who could not be deposed by any
“ power ; that they considered their opinion as cer-
“ tain and indubitable, and that they never should
“ depart from it. They avoid to treat the opinion,
“ which attributes to the ecclesiastical power the
“ right to depose sovereigns, as heretical, because
“ the catholic church, to whose authority they were
“ invariably attached, had not condemned it. This,
“ Richard Langhorne, a celebrated lawyer, declared
“ at his death, in the most clear and precise terms,
“ as well as lord Stafford : and one cannot doubt,
“ that these great men had these sentiments in the
“ bottom of their hearts, since on the instant when
“ they were ready to receive the crown of martyr-
“ dom, they declared them publicly.

“ The bull of Paul the third against Henry the
“ eighth, and that of Pius the fifth against Eliza-
“ beth, were waste paper, despised by the heretics,

“ and, in truth, by the catholics, as far as their
 “ decisions affected the temporal rights of the so-
 “ vereigns. Treaties, alliances, commerce, every
 “ thing, in a word, went on as before; and the
 “ popes knew this would happen: still, the court
 “ of Rome, though aware of the inutility of its
 “ decrees, would publish them, with the view of
 “ acquiring a chimerical title. The heretics took
 “ advantage of them, and the catholics suffered
 “ much by them, as occasion was taken from the
 “ bulls to persecute the catholics, not as catholics,
 “ but as public enemies,—as men, ever disposed,
 “ when the pope should order, to revolt against
 “ the king.

— “ Let catholic divines, to the utmost of
 “ their power, excuse the popes, as we have done
 “ or endeavoured to do: but, if they are compelled
 “ to blame some, who, in other respects, have la-
 “ boured with success for the clergy, and the ad-
 “ vantage of the church, but who unfortunately
 “ have, though with good intentions, engaged in
 “ affairs, that did not regard them,—let them not
 “ believe that, in allowing faults, they dishonour
 “ the holy see; let them believe, that all this
 “ turns to the glory of the church, and of God who
 “ protects her.”

L. 3.

Final Division of Opinion on the Oath.

STILL, at the period to which the present pages relate, the discussion of the oath was continued. By several, both of the clergy and the laity, it was

taken. "Some priests, and some of the religious," says cardinal Bentivoglio, in the extract already cited from the Answer to the Memoirs of Panzani, "admitted the oath; and, deviating still more from the right path, endeavoured to maintain that it was not repugnant to the catholic faith. But, the number of these priests is very small; and besides, they are the least zealous, and the least valued for learning and virtue. All the rest of the clergy have shown the greatest steadiness in opposing the oath; and the same must be said of all the regulars in general. Many of each description, contemning a thousand dangers, and even death itself, have publicly confuted it with great strength of learning, and intrepidity of mind; and have thereby acquired singular merit with the whole church, and the highest veneration among the catholics of that kingdom." But, it should not be unobserved, that cardinal Bentivoglio saw with ultramontane eyes; and would, therefore, be disposed to think unfavourably of all, who rejected the papal pretension to temporal power.

A letter written, in 1681, by the chapter of the English catholic clergy to cardinal Howard, stated that, "more of the nobility, gentry, and commonalty, had actually taken it, or seemed resolved to take it:" and desired his eminence to oppose an attempt, then supposed to be making at Rome, to procure a censure of those who took it. His opposition succeeded, and no such censure found its way to England.

It is observable, that, when James the second was duke of York, he himself took the oath of allegiance, and intimated an intention of enforcing it when he should be king.

L. 4.

Complete Rejection (now adopted by the universal Catholic Church,)—of the Pope's Deposing Power, in the Declaration of the Gallican Church, in 1682 :

But,

Magna est veritas,—et prævalebit.

SEVENTY-FIVE years after the date of the last of the briefs of Paul the fifth, the assembly of the Gallican clergy, in 1682, subscribed their celebrated declaration respecting the civil and temporal powers.—It consists of four articles :—

By the first, they resolved, that “ the power, “ which Jesus Christ had given to St. Peter, and “ his successors, related only to spiritual things, “ and to those which concern salvation, and not “ to things civil and temporal ; so that, in tempo- “ rals, kings and princes are not subject to the “ ecclesiastical powers ; and cannot, directly or “ indirectly, be deposed by the power of the keys, “ or their subjects discharged by it, from the obe-²² “ dience which they owe to their sovereigns, or “ from the oaths of allegiance*.”

* The second article declares, that the plenitude of the power, which resides in the holy see and the successors of St. Peter, in respect to spiritual concerns, does not derogate from what the council of Constance has defined, in its fourth and fifth sessions, on the superior authority of general councils.

The three other articles are contested by some catholic divines : but, from the first, there is not

The third article declares, that the exercise of the apostolical power of the holy see should be governed by the canons, which have been enacted by the spirit of God, and are respected by all the christian world ; and that the rules, customs, and usages, received by the kingdom and churches of France, and approved by the holy see, should be inviolably preserved.

The fourth article declares, that in questions of faith, the pope has the principal authority, and that his decisions extend over the universal church, and each church in particular ; but that, unless they have the consent of the church, they are not irreformable.

These articles passed unanimously, and the monarch was desired to publish them throughout his kingdom. He immediately issued an edict, by which he ordered the declaration to be registered by all the parliaments, bailiwicks, stewartries, universities, and faculties of divinity and canon law, within his dominions. The edict forbad all persons, secular or regular, to write or teach any thing contrary to the declaration ; and that no person should be appointed professor of theology, who did not previously engage to teach no other doctrine.

The declaration met with little opposition in France* : out of France, the case was very different, and an interesting and instructive narrative might be framed of the contests to which it gave rise : but the subject of these pages requires no more than a short mention of the part which Bossuet took in it. The most voluminous, by far, of the adversaries of the declaration, was Thomas Rocaberti, general of the Dominican friars, archbishop of Valentia, and inquisitor-general. He signalized his zeal against it by three folio volumes of his own composition ; and by publishing, in twenty-one volumes, folio, with the title of *Bibliotheca Maxima Pontifica*, a compilation of all the tracts, which he could discover, in favour of the pontifical claims. Bossuet replied to the former of the works, by a treatise intituled, "*La France Orthodoxe ; ou, Apologie de l'Ecole de Paris, et le Clergé de France, contre plusieurs*

* The reader will see, in c. lxxv. s. 8. of these Memoirs, that it was universally signed by the jesuits in France.

now, either among the laity, or the clergy,—with the slight exception of a few, a very few *aulici vaticani*,—a single dissentient voice. Even the “*Adversaires*.” And by the desire of Lewis the fourteenth, he afterwards composed his larger work, “*Défense de la Déclaration de l’Assemblée Générale de France, de 1682, touchant la Puissance Ecclesiastique*.” Neither of these works was published in his life-time; the last was written by him in Latin, and translated into French, by the abbé Leroy, under the direction of Bossuet’s nephew, the bishop of Troyes.

In the “*Annales Philosophiques Morales et Littéraires; ou, Suite des Annales Catholiques*,” tom. i. 503, mention is made of a manuscript of the celebrated Fleury, which contains an historical account of this important declaration. The annalist mentions, that it appears from this manuscript, that Bossuet wisely moderated the too ardent spirit of some of the leading members of the assembly, who proposed much stronger terms, for the language of the declaration, than those which were afterwards adopted by the assembly.

A good history of this interesting church document is wanting: a general notion of the points in dispute, of the import of the declaration, and the arguments for and against the opinions which it expresses, may be formed by perusing, on the cisalpine side of the question, the Report of the bishop of Tournay, and the Fourth, Seventh, and Twelfth Discourses of Fleury; and by perusing, on its transalpine side, the *Mémoires Chronologiques et Dogmatiques* of father d’Avrigni, and the celebrated treatise, *Quis est Petrus?*

The pope’s claim to temporal power by divine right, has not perhaps, at this time, a single advocate: but the other articles of the declaration are still a subject of dispute. It should be observed, that the members of the assembly never proposed to hold out their declaration as a decree respecting faith: they, indeed, considered it to be founded on the scripture, on tradition, on solid and unanswerable arguments, but still to be no more than an opinion. The ultramontanes predicate the same of their tenets. Moderate men, of neither side, tax the opposite tenets with heresy or schism. Each considers his own and his adversary’s doctrine, on these points,

present pope, in his negotiation with Napoleon, expressed his willingness to acquiesce in the subscription of it, by the clergy of France.—How much, then, is it to be lamented, that this better spirit did not animate the pontiffs, Paul the third, Pius the fifth, Gregory the thirteenth, Sixtus the fifth, Clement the eighth, Paul the fifth, Urban the eighth, and (as we shall afterwards see), Innocent the tenth, when they published the unhappy, and evil-bearing briefs, bulls, and decrees, mentioned in the series of these pages!

To preserve the continuity of the subject, and bring it to its close, we have a little anticipated, in this chapter, the order of events: we shall now resume the historical thread.

CHAP. LI.

DÉCLINE OF THE PARTY OF THE ENGLISH FUGITIVES IN SPAIN.

1612.

THE correspondence, in Winwood's Memorials, of sir Charles Cornwallis, the resident minister of king James at Madrid, with the earl of Salisbury, contains much curious information respecting the state and dispositions of the English fugitives in Spain, during the first years of the reign of that

to be in the class of opinions, on which the church has not yet pronounced, and which, therefore, any individual may conscientiously hold.

monarch. Immediately after the conclusion of the peace between him and Spain, the fugitives showed a strong wish to return to their native soil. "The jesuits," says the resident*, "would be well contented to be inclosed within any walls of England, so they might enjoy the air of their native country.—In like mind, (so far as words may find belief), I find most of the other pensioners and feuditaries to the king of Spain: neither do any profess more obedience and love to the king my master and his estate than the jesuits themselves; yet with retaining the condition of their profession, which is to go for England, when their superior shall command them."

The countenance, which Spain gave to the fugitives, displeased the resident: he frequently remonstrated against it, without effect: he mentions some interesting conversations which he had with father Creswell, and with the duke of Lerma, the prime minister of Philip the third †. Creswell was left at Madrid by Persons to manage the concerns of the English jesuits in Spain, when he quitted that country: the resident describes him as desirous of conciliating those, whom Persons's turbulence had alienated ‡; as wishing "to take hold of the advantage of the time, and build the foundation of his greatness in preaching and persuading of obedience and temperance, and becoming a means to combine the two great monarchs of Great Britain and Spain."

Creswell, however, was viewed by James and

* Vol. ii. p. 72, 97.

† Ibid. p. 226.

‡ Ibid.

his ministers with so evil an eye, that they directed their resident to hold no correspondence with him. Still, the resident, for the purpose of promoting disunion among the fugitives, and, as he terms it*, “to dive into their devices, and because no door either of the king, the duke†, or secretary, was “shut against him,” continued to communicate with Creswell : but the injunctions which the resident had received not to communicate with him, came to Creswell’s knowledge, and gave him great offence : he caused the resident to be informed, that “his majesty had lately given a kind of toleration to the catholics in Ireland ; and that, until “he should do the like in England, he would “labour in vain either in working alliance, or in “endeavouring to continue the peace in Spain : “whereas they so much abhorred the king and his “manner of government in religion, as they would “sooner bestow their daughter upon a son of the “Turk, or upon the king of Morocco, than upon “the prince of England.” He said, moreover, that “the archpriest in England had of late taken the “new oath ‡, that therein he had done a thing “both evil and well ; evil, to have assented to a “thing so contrary to his profession and derogatory to the church ; well, in declaring himself so “plainly, as whereby he had put a kind of necessity “on the people to declare both against himself and “the king himself, who however he or his majesty’s “ministers esteemed of him, yet was in right and

* Vol. ii. p. 226.

† Of Lerma.

‡ See the preceding chapter.

“ truth none other than an officer, and removable
 “ at the pleasure of a superior power wheresoever
 “ he should either tyrannise or abuse his office*.”
 The resident expresses great indignation at this
 arrogant language : if Creswell really used it, (and
 it is the subject of two letters from the resident to
 the earl of Salisbury), Creswell deserved all the
 indignation which it excited. The resident after-
 wards came to an open rupture with Creswell,
 whom he describes Creswell as a vain-glorious
 man, and says “ he played on Creswell’s vain-glory
 “ to discover his secrets †.”

In a subsequent letter ‡, the resident gives an
 account of a very curious conversation between him
 and the duke of Lerma. The latter expressed an
 earnest wish to effect a reconciliation between the
 pope and the British monarch : “ Would the British

* Vol. ii. p. 344, 345.

† “ Creswell became a man of great authority among these
 “ of his order, being successively rector of the English col-
 “ leges at Rome and Valladolid; and vice-prefect of the
 “ mission in Spain and Flanders. As he had a head well
 “ turned for business, so he sometimes employed it in politics;
 “ and, in imitation of father Persons, by corresponding with
 “ statesmen and princes, gave a handle to his enemies to
 “ misrepresent his labours upon several occasions. Philip
 “ the second and third of Spain appear to have had a par-
 “ ticular respect for him; though I cannot find the interest
 “ he had with them, was made use of any further, than to pro-
 “ mote the cause of his order and religion. If he was charged
 “ with being too busy in other matters, it appeared not by
 “ any overt act. Worn out with age and labour, towards the
 “ latter end of his days, he was made superior of a small com-
 “ munity of his order in Gaunt, where he died about 1623.”

‡ Page 462.

“ monarch,” he asked, “ be contented to hold any
“ correspondence with the pope ?” “ I answered,”
writes the resident, “ that therein having neither
“ commissionn, or so much as any the least under-
“ standing of his majesty’s mind in that case,
“ I could not resolve him : but said, that I verily
“ thought, that in matters civil, his majesty, (sus-
“ picions being once taken away), would not deny
“ to correspond with him, as with other temporal
“ princes.”

Some further steps were taken towards the work of reconciliation : but the whole went off in a manner, at which the reader must smile *. In a former chapter, we have mentioned the work of king James, called his Apology and Præmonition : by his majesty’s desire, the resident requested leave to present it to the Spanish monarch : the duke of Lerma, “ with a great sigh wished, that the rare and singular talents of his Britannic majesty, whereof “ all the world took so great a notice, had been “ employed upon a better, a more sound and pleasing subject : but he marvelled much, that to his “ majesty it should not be understood, that the “ king of Spain was so entire and sincere in his “ faith and obedience to the church of Rome, from “ whom it was upon pain of excommunication “ directly forbidden receipt or reading of any books “ of such a nature, as is said to be that of his Britannic majesty, as there could not be so much as “ a concert that he would by any means be drawn “ to receive it.” To this the resident replied at

* Vol. iii. p. 66.

length : finally, he observed to the duke that, “ no
“ work could be more glorious to the king of Spain,
“ whom God had made so mighty a king, (and a
“ king blessed with the government of so large a
“ part of the world), as to putting his royal hand
“ to the clipping of those overgrown feathers of
“ the see of Rome; the mistake whereof had drawn
“ so large a portion of christendom from it. I added
“ hereunto,” continued the resident, “ the example
“ of the French king and of the seigniory of Venice;
“ who had both received the book, without fear or
“ scruple. The duke having given me leave to say,
“ thus much, replied, that the king, in his religion
“ and obedience to the see of Rome, (which all his
“ ancestors had theretofore held and professed),
“ was so immoveably fixed and determined, as he
“ held it not fit to call it in question or dispute; and
“ therefore he never would receive, much less give
“ reading to, any book containing matter derogatory
“ either to the one or the other.”

It appears by the correspondence, which we have mentioned, that the fugitives quarrelled among themselves; that every day their party became weaker; and that it had dwindled to nothing before the end of the reign of James. A few English, and several Irish families remained in Spain; some of these and their descendants obtained both civil and military offices of distinction; others were successfully engaged in commerce. All the colleges established in Spain by father Persons have continued to the present time, but passed, on the dissolution of the society of Jesus, into other hands.

A remarkable circumstance presents itself in this place for notice. The Spanish nation has always singularly regarded the Irish. This has been attributed, by some, to the supposed Milesian descent of the latter; by others, to the emigrations from Ireland to Spain, in consequence of the dreadful persecutions and confiscations, which took place during the reigns of James the first, and the first two Charles'; and afterwards, both during the usurpation, and at the revolution in 1688. The greater part of these emigrants settled in Galicia; and, till the recent alteration in the Spanish constitution, all the Irish, who settled in that province, were ranked as subjects born within its territory. In every other part of Spain, they were allowed extensive privileges, and, in the ordinary intercourse of life, met with particular favour*.

* Some further particulars of the Spanish party occur in Dr. Birch's "Historical View of the Negotiations between the Courts of England, France, and Brussels," 8vo. 1749, — an interesting publication, now become very scarce (p. 239 to 257). He shows that a regiment of English, chiefly catholics, in the Spanish pay, were stationed in the Low Countries; and intimates that it was the intention of the archduke to send the regiment into England, immediately upon the execution of the gunpowder plot; but Dr. Birch brings no evidence that connects the regiment with the plot. He mentions that father Owen and father Baldwin, two jesuits, were suspected of being privy to the plot, and that king James required them to be delivered up to him; offering, at the same time, that "they should be questioned for nothing, except the part which they were accused of having taken in the plot; that they should not be tortured;" and that "the Spanish ambassador should be present at their examination and trial." This was refused; but both jesuits were imprisoned; and an offer

CHAP. LII.

GENERAL VIEW OF THE LAWS PASSED AGAINST
THE CATHOLICS ;—IN THE REIGNS OF ELIZA-
BETH AND JAMES.—DEATH OF JAMES.

1625.

THE laws, which were passed by the last monarch of the house of Tudor and the first of the house of Stuart, against the English catholic subjects, for their religious principles and the exercise of their religion, were irreconcilable with every principle of justice and humanity. We shall now present the

made to James, that they should be interrogated in prison, and their papers examined by commissioners of his nomination: this he refused. The two jesuits were afterwards released: and father Owen succeeded father Persons in the rectorship of the English college at Rome, and the prefecturate of the jesuits in the English mission;—but, in 1610, father Baldwin was seized, as he was passing through the Palatinate, and delivered to sir Ralph Winwood, who procured him to be sent to England. Great discoveries were expected, but nothing appeared against him, and he was never brought to trial. He was however kept in prison till November 1612, when he was exchanged for Mr. Mole, lord Rosse's tutor, who was at that time a prisoner in the inquisition at Rome.—(See in addition to the pages cited from Birch's *Negotiations*, Winwood's *Memorials*, vol. iii. p. 210, 211, 407; and Dodd's *Hist.* vol. ii. p. 393–417.—Nothing ever appeared against either of the fathers.

Birch has added, at the end of the *Memoirs*, a “*Relation of the State of France, in the Reign of Henry the fourth, by sir George Carew*,”—a very curious and important document,—which, even now, deserves to be read and meditated.

reader with a succinct view of their general effect and operation.

1. From the planting of christianity in our island, till the infant reign of Edward the sixth, *the mass* was the solemn service, at which the catholics of England, as their brethren throughout the world, assembled, to express their adoration of the Deity, to commemorate the death and passion of his Son, to thank him for his blessings, and to implore his protection and favour, on themselves and their neighbours. It was restored by queen Mary. "We," it is said in the statute, which passed for that purpose, "found it in the church of England, left to us by the authority of the catholic church." It was proscribed, and another service substituted in its stead by Elizabeth; and by a law passed in her reign, a priest who should say or sing mass, was to forfeit two hundred marks, and suffer imprisonment for twelve months; the hearer was to forfeit one hundred marks, and to be imprisoned for six months.

2. A person who refused to assist at the church service, devised in the reign of Edward the sixth, and established by the act of uniformity, which, whatever might be its merit, was certainly, (as it is termed in the statute of queen Mary), "a new thing," was denominated in the law a *recusant*; he was to forfeit twelve pence for each Sunday's absence; was to be presented by the churchwardens to the ecclesiastical court, and there excommunicated: the excommunication was to be certified into chancery, the writ *de excommunicato capiendo*

was to be issued against him ; this authorized the sheriff to break open his house, to attach and imprison him, or to present him at the next assizes ; an indictment was then to be framed, to which no plea, but the general issue, or conformity, was to be admitted.

If the indictment was found by the jury, a proclamation was to be made, that the recusant should surrender himself to the sheriff ; if he did not appear, or confess the indictment, or if the jury found it against him, he was denominated a *recusant convict* ; his conviction was to be certified into the exchequer ; if he had not paid the forfeitures which he had incurred, process was to be awarded for levying them from his lands, goods, and chattels.

3. Having thus become a *recusant convict*, he was immediately to pay down the sum of 20*l.* and, from this time, was to pay 20*l.* a month, and be bound with sufficient sureties for his good behaviour ; if he could not pay it, he was to forfeit all his goods, and, during his recusancy, two parts of his lands : if afterwards the profits of the two parts of his lands exceeded the 20*l.* monthly, the king was to choose which he would have, the 20*l.* or the two parts.

4. These penalties were accompanied by a long train of *disabilities*. The popish recusant convict was to make no presentations, or collation, to any advowson, prebends, or hospital, either of the gift or foundation of himself, or his ancestors : he was not to be an executor, administrator, or guardian : nor practise in the common law, the civil law, the

canon law, or physic : he was not to be a judge, steward, or minister of courts, or a schoolmaster, or hold any office of public charge, or any office of arms in a ship, a castle, or fortress : his armour was to be taken from him, yet he was to be chargeable; as his majesty's other subjects, with finding the usual quota of armour. He was to be confined within five miles of his dwelling ; and if, without special licence, he passed those bounds, he was to forfeit all his goods, and all his copyhold lands might be seized : he was not to come into the court of the king or prince, or into the city of London, if he had any dwelling elsewhere; under the penalty of 100*l.* Finally, he was to be considered as excommunicated, in all personal actions, and therefore, (which is a necessary consequence of excommunication),—he could not either maintain or defend a personal action or suit.

5. The offence of the popish recusant convict, was dreadfully visited on *his wife*.

If they married according to the catholic rite, he was to forfeit 100*l.*; if she were convicted of recusancy, he forfeited 10*l.* monthly for her, or one third part out of his own remaining third part of his property; if she survived, she was disabled to be his executrix or administratrix; she was to forfeit two parts of her jointure, or two of her dower; she might, during the marriage, be taken from her husband by a justice of peace, and confined in her house. Though the husband conformed, he was to pay 10*l.* monthly for his recusant wife, and was

disabled, during her recusancy, from holding any public office in the community.

If she was convicted of being a popish recusant, then, if she was a baroness, she might be committed to prison by one of the privy council, or the bishop of the diocese; and if she were under that rank, she might be committed to prison by two justices of the peace, and remain there, till she conformed, unless her husband should pay to the king 10*l.* a month, or the third part of her lands, so long as she continued a recusant and out of prison.

6. The same persecuting spirit appears in the legislative provision respecting his *children*.

If he christened them after the catholic rite; he forfeited 100*l.* At nine years of age his children might be presented, and at sixteen indicted for recusancy; at sixteen, the oath of supremacy might be tendered to them. If, to educate his children at home, he kept a schoolmaster, he forfeited for every day 40*s.*; if he sent them abroad, he forfeited 100*l.*; and the child was disabled from taking lands by descent or purchase, until he conformed.

7. The same spirit extended also to his *friends and servants*:—if he harboured, maintained, or relieved any recusant servant, sojourner, or stranger, his father and mother excepted, he forfeited for every month, 10*l.*

This act had a dreadful operation.—“ Many “serviceable men and women,” says a contemporary writer, now before me, “became, in consequence of it, absolutely destitute of succour, and

“ were obliged, in order to obtain employment and food, to travel beyond the five miles, within which the law confined them, under the severe penalties, which have been mentioned. If they had not the means of paying the forfeitures thus incurred, the law enjoined them to abjure the realm; if they refused, or if, having abjured it, they returned afterwards to it without licence, they were to be adjudged felons.”

The recusants also were liable to all the severities of the *ecclesiastical courts*. They might be summoned, by the ecclesiastical judges, at their pleasure: if they attended, they might be fined at discretion; if they did not attend, they were excommunicated. Attending or not, warrants were generally sent to search and seize their religious books, chalices, and every article, which served for use or ornament, in their religious worship: the search was generally made with unfeeling contumely.

9. By several acts, some of which were a pleasing, some a necessary attention to his religion, a catholic was subject to a *præmunire*:—as, 1. The receipt of an agnus dei, a crucifix, beads, or pious medals: 2. Aiding, abetting, taking or giving absolution by a bull from the pope: 3. Concealing an offer made to him of such a bull: 4. Sending relief to priests beyond seas: 5. Maintaining the pope's jurisdiction; and 6. The first refusal of the oath of supremacy.

10. By three acts, the catholics incurred the

penalties of *felony*: 1. Receiving a priest; 2. Returning from banishment; 3. Departing from the realm without taking the oath of allegiance.

11. For the oppression of the catholics five new *treasons* were invented: 1. The second refusal of the oath of supremacy; 2. Maintaining, a second time, the pope's spiritual authority or jurisdiction; 3. Giving or receiving absolution from the see of Rome; 4. Reconciliation or persuasion to the catholic religion; 5. Receiving holy orders beyond the seas.

12. Finally,—the law pursued them even to *the grave*: if a recusant convict, man or woman, not being excommunicated, was buried, in any other place than in the church, the executors of the person so buried were to forfeit 20*l*.

13. It should be observed, that the catholics were subject, in the same manner as the protestant dissenters, to the proceedings of the *high commission*: how oppressive these were, and how severely the protestant dissenters suffered under them, will appear in a future part of this work; but, as the catholics were much more odious to the queen and her ministers, than the protestants, there is great reason to believe, that they suffered much more severely under them.

14. Add to this,—that, even when the laws which have been mentioned were not acted upon, they had a silent but most bitter operation: they tended to make every catholic an object of odium, to lessen his few remaining comforts, and to abridge his few

remaining rights. When they were withheld or contested, if the catholic complained, or resisted, or resorted to law, he was often reminded that he might be proceeded against for recusancy.

15. We shall conclude this account of the sufferings of the English catholics under the penal codes of Elizabeth and James, by an authentic account, taken from Dodd's Church History *, of the sufferings of one catholic family under them; it affords a striking view of the *general calamity of the catholic body during these reigns*.

“ Francis Tregian, son of Thomas Tregian of Volvedon or Golden, in Cornwall, by the eldest sister of sir John Arundel, was master of a very plentiful fortune, remarkable for hospitality, strictly religious, and a zealous maintainer of the faith of his ancestors. In the year 1577, the laws against recusants, which, for some time before, were vigorously put in execution in several parts of England, were also encouraged in Cornwall, through the malice of some exasperated neighbours; who, one way or other, were offended at Mr. Tregian, and laid hold of the opportunity to bring him under distress. Accordingly, they informed against him, and a warrant was issued out to seize him; he being then only twenty-eight years of age. Wherefore, June 8th, 1577, the sheriff of the county, with eight or nine justices of the peace, and above a hundred attendants, well armed, entered his house, took away by force, Mr. Tregian, with his

* Dodd, vol. ii. p. 168.

“ chaplain, Cuthbert Mayne, bachelor of divinity,
“ and several of his domestics. They were first
“ hurried away to Truro, a market town at five
“ miles distance ; where the bishop of Exeter had
“ a seat, and resided at that time. It appearing
“ upon examination, that Mr. Tregian was a recu-
“ sant, he was obliged by the judges to give a
“ bond of 2,000 *l.* for his appearance the next
“ assizes. Some time before the assizes, his pro-
“ secutors, not being prepared for a trial, contrived
“ matters so, that an order came down, to have
“ him brought before the queen’s privy council :
“ wherefore, being carried up to London, he was
“ kept under confinement, till the council was
“ disposed to call him before them. At his exa-
“ mination he was charged with recusancy, with
“ entertaining persons of a suspected character in
“ his family, and countenancing superstitious prac-
“ tices. He frankly owned the charge of recu-
“ sancy ; but at the same time assured the council,
“ that he did not absent himself from the protestant
“ church out of any evil affection to the queen, or
“ government, but entirely from a principle of
“ conscience. At the breaking-up of the sitting,
“ sir Francis Walsingham told him, he was not to
“ be discharged as yet, for other informations were
“ expected against him, out of the country. How-
“ ever, he was civilly treated ; especially by the
“ earl of Essex, who invited him to dinner, and
“ gave him such advice, as he thought friendly, and
“ seasonable ; which was, to appear once at church ;
“ with an assurance, that all further prosecution

“ should be stopped ; Mr. Mayne and his domestics
“ should be released ; and no doubt, but he would
“ be very much in the queen’s favour. Mr. Tregian
“ was prepared against such attacks, and remained
“ firm to his principles. Meantime, his family
“ was in the utmost distraction, and his chaplain,
“ Mr. Mayne, condemned to die, and publicly
“ executed at Launceston, November 29th, 1577.
“ By this time, the council was furnished with
“ other allegations against him, viz. besides re-
“ cusancy, that he had been present at mass ;
“ received *agnus deis*, and a jubilee from the
“ bishop of Rome ; abetted, and entertained those,
“ that had asserted the pope’s supremacy. Upon
“ this he was committed close prisoner to the Mar-
“ shalsea ; where he was confined ten months,
“ not being permitted to keep any correspondence
“ with his family during that time ; which was a
“ great detriment to his domestic concerns, as it
“ appeared from one particular instance. Mr.
“ Tregian had dealings with one Mr. Brandore, a
“ goldsmith, in London ; to whom, upon balancing
“ accounts, he was found indebted 70 l. Now this
“ goldsmith, understanding that Mr. Tregian lay
“ under a very dangerous prosecution, and appre-
“ hending the loss of his money, went down to
“ Golden, and made a seizure of his goods to the
“ value of 500 l. and what with charges and other
“ incidental expenses, Mrs. Tregian was obliged to
“ pay down 200 l. to the creditor, before the goods
“ could be replevied. All this happened without
“ Mr. Tregian’s being acquainted with the affair.

“ It was thought his trial would come on at the
“ king’s-bench bar ; which his counsel pressed
“ hard for. But the witnesses against him being
“ at a great distance, and his enemies apprehending,
“ lest his friends in London, (some whereof were
“ men in power), might frustrate their designs, they
“ procured to have him sent down into Cornwall,
“ not doubting to carry their point there. This
“ project taking effect, one Walkow, his professed
“ enemy, was to be his guard and conductor ; and,
“ as he was a person void both of good manners
“ and humanity, Mr. Tregian was treated by
“ him accordingly. For, to omit other hardships,
“ the horse he provided for his journey, including
“ saddle and bridle, was scarce worth ten shillings.
“ After some time, the trial came on ; and Mr.
“ Tregian made his appearance at Launceston
“ assizes. The queen’s counsel endeavoured to
“ charge him with the several indictments, upon
“ which Mr. Mayne had been condemned, and
“ executed. In order to this, they produced one
“ Twig, a musician, or rather a strolling fiddler,
“ whom Mr. Tregian had entertained in his family,
“ in the Christmas time, for the diversion of his
“ tenants, and neighbours. This Twig deposed,
“ that he had sometimes seen Mr. Tregian go into
“ Mr. Mayne’s chamber, and remain there about
“ an hour : which he conjectured to be the time,
“ while Mr. Mayne was saying mass : that, during
“ the Christmas, an. 1575, he was Mr. Mayne’s
“ bedfellow ; who owned himself to be a priest ;
“ and that he had brought a number of agnus

“ deis from Rome. Other evidence were produced ;
“ but not so material. Then Mr. Tregian was
“ permitted to make his exceptions ; which were
“ considerable, had the court been disposed to
“ attend to them. In the first place, he made it
“ appear, that Twig was not acquainted with
“ Mr. Mayne’s chamber, from several questions
“ proposed to him concerning the situation. But
“ the queen’s council replied, that such circum-
“ stances were not material. Then he proposed
“ to the bench, whether Mr. Mayne, who was
“ known to be a cautious and prudent man, could
“ be so indiscreet, as to own himself to be a priest
“ to a stranger, and vagabond ? or that a common
“ fiddler should be made bedfellow to one of Mr.
“ Mayne’s character ?—Again, he alleged, that
“ Twig had perjured himself, as to the circum-
“ stances both of time and place ; he had sworn
“ to Christmas, an. 1575, whereas Mr. Mayne
“ was then at Douay ; and did not come over into
“ England, till Easter ; and had never been at
“ Rome in his whole life. These particulars, he
“ could prove by forty witnesses. But as they
“ were not ready in court, the judges said, it was
“ a frivolous thing to mention them ; and that the
“ trial could not be put off. So the jury were left
“ to consider matters, as they stood. While they
“ went out upon the case, some pains were taken,
“ to persuade Mr. Tregian to conform so far, as to
“ appear at church ; with a promise, that the rest
“ of the prosecution should be dropped ; which he
“ refusing, as formerly he had done, the jury re-

“ turning into court, brought him in guilty of the
“ several articles of the indictment, viz. of being
“ present at mass, of recusancy, of entertaining
“ one that maintained the pope’s supremacy, of
“ receiving and dispersing agnus deis, &c. How-
“ ever, judgment was not given at these assizes. It
“ was thought convenient, first to advise with those
“ above, concerning the penalty : the case being
“ new as to some particulars. Between the two
“ assizes, Mr. Tregian sent up a servant towards
“ London, to pay off some bills ; as also with letters
“ to his friends to give them an account of his trial,
“ and desire their interest for the mitigating of his
“ sentence the next assizes. But either casually, or
“ designedly, his servant was stopped at Hunning-
“ ton ; and, being examined, had his letters, bills,
“ and money taken from him : and the poor man
“ himself was thrown into prison. By this means,
“ Mr. Tregian’s friends at London became incapable
“ of doing him any service ; nor was any thing said,
“ or done, in his behalf.

“ The time of the assizes at Launceston being
“ at hand, judge Manwood, a violent enemy to
“ Mr. Tregian, was upon the circuit, instructed
“ with the particulars for his sentence : which was,
“ that he had incurred a *præmunire*, that is, for-
“ feiture of goods, chattels, &c. with imprison-
“ ment for life, or during the queen’s pleasure. At
“ the court’s sitting, Mr. Tregian’s counsel alleged
“ several things, why judgment should not pass ; viz.
“ That the proofs against him were only presump-
“ tions ; no fact being made out, excepting recu-

“sancy, which the prisoner owned, and submitted
“himself to the penalty. That it did not appear, that
“Mr. Tregian was privy to Mr. Mayne’s bringing
“over the agnus deis, or pope’s jubilee; much less,
“that he had abetted or countenanced him in deny-
“ing the queen’s supremacy. But all this, and much
“more they said to the same purpose, could not
“hinder the sentence; which was no sooner pro-
“nounced, but Mr. Tregian was hurried from the
“bar, to a loathsome prison; being a dungeon,
“where he had neither bed to rest upon, nor stool
“to sit on, nor the least glimpse of light, to discover
“what kind of apartment he was thrust into. Here
“he remained all that night. The next day, he
“was removed to his old habitation in Launceston
“castle, where he had better conveniences, though
“very bad ones. About midnight, the day follow-
“ing, certain officers arrived post from London at
“Golden, with a commission to break open the
“doors, in case of resistance, and seize upon all the
“unfortunate gentleman’s goods. Mrs. Tregian
“had three children, Francis, Adrian, and Mary;
“they were at the same time ordered immediately
“to quit the house. She was then big with child;
“and so near her time, that a journey to London
“was very dangerous. However, her presence
“there was absolutely necessary, to solicit for a
“maintenance for her husband and family. Where-
“fore, without farther deliberation, she undertook
“that tedious journey of two hundred miles, with
“her three children, a man and a maid servant.
“She stowed her children in a pair of panniers,

“ and so proceeded on her journey: which she had
“ scarce half completed, before she fell in labour;
“ and was delivered of a female child: which was
“ of some service, in helping to poise the panniers,
“ and keep them to a better balance. And thus,
“ having rested herself for some time upon the
“ road, she arrived at London; where she followed
“ the court, a whole year, with very little success.
“ Mean-time, all Mr. Tregian’s goods were disposed
“ of at the queen’s pleasure; and, in a little time,
“ all his real estate; insomuch, that his mother
“ Mrs. Catherine Tregian, was also deprived of her
“ jointure. By this means the whole family was so
“ reduced, as to live upon the charity of friends
“ and relations. But Mr. Tregian was himself the
“ greatest sufferer; who was almost starving in
“ Launceston castle: what he had to support him,
“ passing through several hands, and often those,
“ that were not well affected towards him, made his
“ allowance very scanty. But worse things threat-
“ ened him. Some, that were enriched by part of
“ his substance, apprehending, that he might find
“ friends, to recover his real estate, had engaged as
“ ’twas believed, a villain to assassinate him: but
“ providently the design was detected.

“ Mr. Tregian, having now lost all hopes of re-
“ covering his freedom, began to enter upon a
“ method of life suitable to a person fully possessed
“ with the best notions of religion. He spent a
“ great deal of time in praying, and meditating
“ upon the blessings attending those that carry the
“ cross, and follow the steps of their Redeemer.

“ To his religious practices he joined such studies,
“ as the inconveniences of the place would allow
“ of; and having some taste for poetry, he now
“ and then composed on the miseries of human
“ life; and other subjects, which were suitable to
“ his present condition. But, as he tells us in one
“ of his poems, he was very ill provided with tools
“ for the business; being sometimes obliged to
“ make use of a pin, and a liquid substance of
“ water and the snuff of a candle, instead of pen
“ and ink. By this means, he became entirely re-
“ signed to the conduct of Divine Providence. But
“ as the late attempt upon his life had given him
“ some perplexity; so it continually ran in his
“ thoughts, that his enemies would contrive some
“ way to take him off privately; and, by spreading
“ a report that he laid violent hands upon himself,
“ cast an aspersion both upon his cause and cha-
“ racter. These reflections put him upon a project
“ of making his escape; wherein being detected,
“ he was thrown into a dungeon, loaded with irons
“ of thirty pounds weight. In this apartment he
“ had twenty malefactors for his companions, who
“ commonly eased themselves upon the floor, which
“ was but once cleansed in the thirty days he re-
“ mained amongst them! Besides the loathsome-
“ ness of the place, he was frequently insulted by
“ one of the malefactors, a man of a barbarous and
“ inhuman temper, who treated him with base
“ language, reviled him for his pretended crimes
“ against the queen and government; but mostly
“ for his praying and religious discourse, which is
“ a sufficient matter of ridicule for such abandoned

“ wretches. When he had remained about a month
“ in this company, the jailor was pleased to re-
“ conduct him above stairs, to his former apart-
“ ment, where he was better accommodated.

“ His lady, in the mean time, had obtained an
“ order for his removal to the King’s Bench prison :
“ which being executed, the officer, who was charged
“ with him on the road, brought him in a bill of
“ expenses of fifty pounds. The demand appearing
“ very extravagant, Mr. Tregian was dilatory in
“ the payment ; upon which the officer threatens
“ to carry him back into Cornwall. Mr. Tregian
“ petitions, and lays his case before the council,
“ where he found no relief : the officer being left to
“ use his own discretion, in case his expenses were
“ not repaid. This obliged Mrs. Tregian to use all
“ the means she could, to raise the sum. She sold
“ her best clothes, and some other things of value ;
“ which falling short, was made out by a collec-
“ tion among friends. Mr. Tregian was afterwards
“ removed to the Fleet prison ; where, July 20th
“ 1593, he had been thirteen years. His lady lived
“ constantly with him in prison. He had by her
“ eighteen children ; whereof eleven were born
“ during their confinement, and most of them were
“ alive in 1593, which is the date of the manuscript
“ from whence I have collected all these particu-
“ lars. Mr. Tregian was a person of invincible
“ courage under affliction, and of a constitution as
“ to his body, which he enjoyed without any re-
“ markable indisposition the first seven years of his
“ confinement. But, as he advanced in years, he
“ began to feel the effects of the hardships he had

“ undergone, and laboured several years under
“ several indispositions; but was perfectly re-esta-
“ blished in the year 1593, which is the last time
“ I find any mention made of him; only what is
“ recorded in the diary of the English college at
“ Douay; viz. that in July 1606, one Mr. Tregian,
“ an ancient gentleman, after above thirty years
“ imprisonment, arrived there in his way from
“ Spain. Mr. Francis Tregian was descended of
“ an ancient British family, of great account in
“ Cornwall, even before the conquest. His great-
“ grandmother was the daughter of Thomas Gray,
“ marquis of Dorchester, half brother to queen
“ Elizabeth, daughter of king Edward the fourth,
“ and wife of king Henry the seventh. His mother
“ was the eldest sister of sir John Arundel, knight,
“ of Lanhem, the thirteenth knight of that family
“ of the name of John. His lady was the eldest
“ sister of lord Stourton, by Catherine, sister to
“ Ferdinand earl of Derby; which Catherine was
“ married to sir John Arundel for her second hus-
“ band: her first, the lord Stourton, having been
“ executed at Salisbury, in queen Mary’s reign.
“ Mr. Tregian’s eldest daughter Mary, was mar-
“ ried to Thomas Yate, esq. of Berkshire, whom
“ he took without any portion, by his father’s ex-
“ press command.”

What a dreadful scene of persecution is exhibited in the preceding narrative! In what an agony of woe must the general body of catholics have existed during that period!

CHAP. LIII.

THE INSTITUTION OF AN ARCHPRIEST:—DEATH
OF FATHER PERSONS:—ENGLISH BENEDIC-
TINE MONKS,—FRIARS,—COLLEGE AT LISBON.

WE now return to the internal history of the English catholics. The hierarchy of the roman-catholic church is of Divine institution: it must, therefore, be excellently calculated for the end for which it was designed by its Divine Founder. The plenitude of power, which Christ conferred on Peter and his successors, enables them, when extraordinary circumstances arise, to provide for them by extraordinary means; but such cases are not of frequent occurrence: an extreme case, therefore, must always be supposed, when a departure from the established economy of the christian church is to be justified.

Bishops were established to preside over, to direct, and to govern the spiritual concerns of the fold. As Christ was sent by his Father to teach the gospel on earth, so did Christ send his disciples on the same sacred mission*: St. Paul declared to the bishops in Asia, that the Holy Ghost had established them to govern the church of Christ†: and he informed Titus‡, that he left him in Crete, to ordain bishops over the churches in that island. Every reader is familiar with the names of the seven Asiatic bishops, to whom the

* Mark iii. 13, 14; John xx. 21.

† Acts xx. 28.

‡ Titus ii. 5, 7.

angel of the Apocalypse, announced the messages of Heaven.

Thus, bishops are of Divine original.—They are the principal dignitaries in the economy of the church: all their functions are of the highest utility, and several are absolutely necessary to its preservation and welfare.—Among these, some can be exercised by them only. The advantages which each flock derives from having its appropriate pastor, and which the general body of the church derives from the general body of the episcopacy, are incalculable.

The greatest care, therefore, has been ever taken, that every church should have its bishop. During all the persecutions, which the church sustained under the pagan emperors and the Arian and Vandalic tyrants, this principle of the christian economy was invariably regarded: never was a flock permitted to subsist, for any length of time, without a regular shepherd.

LIII. 1.

The Institution of an Archpriest.

DOCTOR Watson, the bishop of Lincoln, was the survivor of those English prelates, who did not conform to the religious innovations of Elizabeth: he died in 1584.—The gradual failure of the hierarchy had long been felt by the catholic laity and clergy, and a temporary remedy for it had been taken into consideration. It was proposed, that England should be separated into a northern and

a southern division,—and certain arrangements of order and subordination established, to the observance of which the missionaries should engage themselves; but it was always understood that, when the scheme was completely digested, it should be submitted to the holy see, and its adoption deferred till it should receive the papal sanction. The regulars objected to the measure, as tending to interfere with their special exemptions and privileges, and to place them too much in the hands and under the control of the secular clergy. On this account, no steps were taken to carry it into execution.

In the mean time, the want of a bishop was severely felt. Father Persons, in a letter which he wrote in 1586*, to father Alphonsus Agazarius,

* See “A modest Defence of the Clergy and Religious, in a Discourse directed to R. C. chaplain to an English regiment, about his History of Douay College, with an account of matters of fact misrepresented in the said History, 8vo. 1714.”

This work was written by father Huntley, of the society of Jesus, in answer to “The History of the English College at Douay, from its first foundation in 1568, to the present time,—by R. C. chaplain to an English regiment, 8vo. 1713.”—Dodd, the author of the Church History, so often cited in this work, was also the author of the History of the English College. He replied to father Huntley’s answer, by his “Secret Policy of the English Society of Jesus discovered, in a series of attempts against the clergy, in 8 parts and 24 letters, directed to their provincial, 8vo. 1714.” This work is generally called, “Dodd’s Provincial Letters.” They were written at a time of great irritation, in consequence of an attempt, which we shall afterwards notice, to render the English college at Douay suspected of jansenism. They must

rector of the Roman seminary, says,—“ there is
“ great want of a bishop in England, to consecrate
“ the chrism for the administration of the sacra-
“ ments. We are reduced to great straits for
“ want of one ; and unless his holiness do provide
“ us with one in time, I know not what can be
“ done. We hope his holiness will soon appoint
“ one ; without question it’s for the public good.”

Three plans were now suggested :—the appointment of bishops with ordinary jurisdiction over distinct portions of England ; the appointment of bishops to foreign sees, with powers from the holy see, to exercise their episcopal functions in England ; and the appointment of an archpriest, to whom a general superintendence over the clergy and the spiritual concerns of the English catholics should be committed ; and who, speaking generally, might be invested with all the powers usually exercised by bishops, excepting those, to the exercise of which, as the blessing of chrism, and conferring the sacraments of confirmation and order, the episcopal character is absolutely necessary.

Many reasons seemed to give a preference to the first plan : it was conformable to the universal economy, both ancient and modern, of the catholic church. This circumstance alone seems to decide the question in its favour.

A good reason for rejecting it has not yet fallen under the eye of the writer ; two only were assigned :

therefore be read with great caution. A manuscript reply to them was prepared ; but never published : it exists at Stoneyhurst.

—it was said, that to establish an episcopal see, requires many arrangements, which the actual circumstances of the English catholics did not admit;—but, if bishops were to be a constituent part of the christian hierarchy when Christ sent his disciples, as sheep in the midst of wolves*;—and if they were continued without the slightest intermission, during all the persecutions of the church, it seems difficult to suppose a possible existence of circumstances which could make the establishment of bishops impracticable or inexpedient. Besides,—the English catholics could not but observe, that their brethren in faith in Ireland had always, notwithstanding their severe troubles, preserved their national episcopacy.—The other objection to the appointment of bishops was, that it might offend the British government: but, while every thing else in the catholic religion offended the British government, it must be of little consequence, that this also offended them: Add to this, that, so far from offending government, it was, throughout the reigns of Elizabeth and James, the wish of all their friends in power, that they should obtain from Rome the appointment of regular bishops in ordinary.—It was justly observed that, after such bishops are installed in their sees, they are only removable for a canonical crime, and by a canonical proceeding. Such bishops, therefore, might disregard and even resist with impunity such illaudable bulls as those of Paul the third, of St. Pius the fifth, Gregory, and of Sixtus Quintus, which had so greatly injured

* Matt. x. 16.

the catholic cause, and guard their flocks against them. In fact, so generally was it understood that the appointment of bishops would be acceptable to Elizabeth and her ministers, that the catholic opposers of the measure used this very circumstance as an objection to it;—observing, that it was impossible to suppose that any plan could be acceptable to their adversaries, if they did not foresee that it would essentially prejudice the catholic religion*.

At first, however, the whole catholic body seems to have been unanimous in favour of the measure. Father Persons himself presented to the pope and cardinals a memorial, containing nine reasons, to convince them of its necessity and advantage: an objection arising, from the difficulty of furnishing the expense for two persons in this employment and dignity, he prevailed on Don Francisco Sarmiento, bishop of Jaen in Spain, to make an ample provision for their support†.

* “The reason,” says Mr. Charles Plowden (Answer to Panzani’s Memoirs, p. 123,) “by which the pope was chiefly influenced, was his knowledge, that the principal petitioner for a bishop held a private correspondence with the queen’s ministers, to whom he knew that all means of extirpating catholicity were equally welcome, and who were most plainly fomenting the pretension of a party, whom they certainly intended to overwhelm, together with their opponents, in one common destruction. The cautious pontiff would not concur in a measure which Elizabeth patronized.”—This observation, suggested in this place, must not be accepted without some qualification: the writer believes, that on *this* and *some* other occasions, the views of Elizabeth and *some* of her ministers were friendly to the English catholics.

† Modest Defence, p. 68. More’s Hist. l. iv.

For some reason, father Persons afterwards changed his mind, and the scheme of an English episcopacy, either direct or indirect, was abandoned. The plan of an archpriest remained : it was intimated, but certainly without sufficient ground, to the Roman see, that it was the general wish of the English catholics that this plan should be adopted.

Under these impressions, cardinal Cajetan, the protector of the English nation, addressed a letter to Mr. George Blackwell, an English priest, who had resided during some years at Rome, and by his learning and conduct had gained the esteem of several respectable persons, and particularly of cardinal Bellarmine and father Persons. It bears date the 7th of March 1598 : his eminence mentions in it, with great feeling, some disagreements among the catholics, and their general wish for the introduction, among them, of a system of subordination. He then announces to Mr. Blackwell the command of the pope that he should be archpriest over the *secular* clergy ; gives him unlimited power to restrain or revoke their sacerdotal faculties ; to remove them from place to place, at his pleasure ; to summon them to him, to convene meetings of them, to propose to them such things for their observance as he should judge proper, and to punish the refractory by deprivation or censures. He names six persons to be his assistants, and empowers him to appoint others ; but all the assistants were to be subordinate to him ; he prescribes the mode of filling up their numbers. " The jesuits," he

says, "neither have nor pretend to have any jurisdiction or authority over the clergy, or seek to disquiet them; it seemeth, therefore," continues the cardinal, "a manifest subtlety and deceit of the devil, plotted for the overthrow of the whole English cause, that any catholic should practise or stir up emulation against them." This letter was accompanied by private instructions, which prohibited the archpriest and his twelve assistants from determining any matter of importance, without advising with the superior of the jesuits and some others of the order.

It is not surprising that, under the circumstances, in which this letter was promulgated, it gave general dissatisfaction to the secular clergy. Accustomed, as the catholics of England have long been, to the actual lowly state of their ecclesiastical economy, we cannot easily enter into the feelings of our ancestors, and particularly of the ancient clergy, when they beheld their hierarchy extinguished and blotted out, probably for ever, from the list of national churches in communion with the Roman see: this too, at a time, while this venerable remnant of their ancient church produced martyrs and confessors, an edifying priesthood and an edifying flock. It embittered the measure, in their view, that the arrangement substituted in its stead, was a novelty, was wholly unknown in the christian world, and must deprive them and their descendants, though never so much wanted as at that time, of that sacrament which divines had described as the ordinary means instituted by Christ to strengthen and en-

courage the faithful, in professing their faith before the persecutor*. Several circumstances also led them to believe that a just representation of the state of the English catholics had not been laid before the pope; particularly that he had been induced to believe, what was contrary to the fact, that the arrangement, which had been adopted, was agreeable to the wishes both of the secular clergy and the laity. It was also observed, that the obligation of advising with the jesuits, which the letter of the cardinal imposed on the archpriest, was a virtual subjugation of the seculars to that portion of the regular clergy. A further, and, as the writer thinks, an unanswerable objection to the legal authenticity of the document, was the want of evidence, which showed, that the pope had empowered the cardinal to make the arrangement promulgated by his letter, or had approved of it, after it was made. Nothing is more certain than that when a person professes to act under authority, no one is bound to acquiesce in his proceedings, until the document conferring the authority, under which he professes to act, is produced.

On these grounds, the dissatisfaction with the arrangement was great, and most of the seculars paused, before they acquiesced in the superiority conferred by the cardinal on the archpriest. He proceeded, however, to enforce it, but did not act with the meekness, which prudence certainly recommended. He branded all, who opposed it, with the ignominious appellation of schismatics, and

* Dr. Kellison's *Hierarchy of the Church*; p. 5, 8.

threatened to proceed against them by ecclesiastical censures. An apprehension of these, and of the obloquy, to which a resistance to the archpriest would probably expose them, withheld by far the greater part of the clergy, though the discontent was nearly general, from taking an active part against him. About twenty of them determined on an appeal to Rome: some of these were eminent for experience, consummate virtue, and the courage, with which they had exercised their functions in the midst of the perils, by which they were surrounded. The course, which they pursued, was wise and temperate: they determined on an appeal to the mother and mistress see, against the proceedings of the archpriest, and to depute with it to Rome, two of their number, Dr. Bishop, and Mr. Charnock, both esteemed for their learning, piety, and an exemplary discharge of missionary duty. The former, in particular, had distinguished himself by his writings, particularly a "Defence of the Crown of England against foreign Titles," in answer to the Conference of father Persons, on the Succession, which has been mentioned in a preceding page. He had confessed Christ in chains during three years. Thus the appeal could not have been put into better hands; but, while it was pending, the appellants practically acquiesced in the authority of the archpriest, and, as Mr. Charles Plowden*, in his account of their proceedings, justly observes, "always proclaimed their disposition to

* Answer to Panzani's Memoirs, p. 127.

“submit to the decision of the pope, from whom
“they solicited redress*.”

The deputies appear to have left England towards the end of May 1598. They took with them a letter signed by the appellants, and addressed to Mr. Thomas More, a secular priest. This gentleman was great-grandson of sir Thomas More; had succeeded to his family estate, but, on his entering into the church, had transferred it to his next brother.

The letter† contained the instructions of the deputies: they were to petition the Roman see,—for the appointment of a bishop in ordinary with suffragans;—the restoration of the Roman college to the secular clergy,—a prohibition to the English priests residing abroad, to print, without particular leave, any work, on the political concerns of England,—and a permission to the clergy to form rules for their internal government.

Information of their journey and its motives having been communicated to the Roman see, cardinal Cajetan addressed a second letter to the arch-priest, condemning the conduct of the appellants, and desiring him to acquaint him with the particulars of their proceedings‡.

Towards the end of December, the deputies

* See, in particular, Mush's Declaration, Dodd, vol. ii. p. 225.

† It is inserted at length at the end of Mush's Declaration Motuum.

‡ Dodd, vol. ii. p. 254. Both letters and translations of them are inserted at the beginning of Colleton's "Just Defence of the slandered Priests. 4to. 1602."

arrived at Rome. By the narrative published by Mr. Mush, under the eye of Dr. Bishop, we are informed that father Persons received them into the Roman college with incivility, and soon expelled them from it with rudeness; that they then took their abode at an inn; that, at the head of a company of the pope's guards, father Persons, with a procureur-fiscal, made his appearance before them in the middle of the night preceding the feast day of St. Thomas of Canterbury; put them into a coach; conveyed them to the Roman college, confined them in separate rooms, so that during several months, they were not permitted to see each other, or to celebrate, or even to hear mass; father Persons himself locking them up in their rooms and keeping the key: that he obliged them, under a threat of excommunication, to deliver up to him all their papers; and that he frequently examined them on interrogatories, father Titchbourne, another jesuit, acting as notary, and committing to paper all the questions put to them, and their answers.

In the mean time, a considerable degree of agitation prevailed in England: a document in favour of the appointment, and rendering an honourable testimony to the jesuits, was circulated and numerous and respectably signed, and transmitted to Rome. Several publications appeared against the appellants; one, composed by father Lyster, a jesuit, intituled "A Treatise on Schism," in which he attempted to fix that odious charge on them, obtained particular notice. These publications were highly indecent; a regular appeal to Rome, like

that of the appellants, might be groundless, might be frivolous, but could not, with any appearance of justice, be termed schismatical.

At length, however, the bull of the pope was issued: it was dated the 6th of April 1599*; it fully recognized and sanctioned the letter of cardinal Cajetan, the appointment of the archpriest, and his acts; declared the letter to have been valid from the first, and explicitly ordered it to be obeyed, and its regulations to be complied with. On the 21st of the same month, cardinal Cajetan and cardinal Borghese announced, by a letter to the archpriest †, that Mr. Bishop and Mr. Charnock, were released from their confinement, with an injunction under pain of suspension, to be incurred on the commission of the act, not to return to England, Scotland, or Ireland. To England, however, they returned; with what permission or under what circumstances, is uncertain; but it is evident, from subsequent occurrences, that they were not considered to have incurred, by their return, the penalty of suspension ‡. It is most probable that they

* Dodd, vol. ii. p. 264. Colleton's Defence, p. 106; with an English translation.

† Dodd, vol. ii. p. 255. Colleton's Defence, p. 98; with a translation.

‡ Racine's Hist. Ecclesiast. tom. xiii. p. 608.—The cardinal himself mentions his having spoken with the pope on the concerns of the English mission: "Je lui communiquois aussi sur le propos des affaires d'Angleterre, d'eteindre la division qui est entre les catholiques Anglois: les uns obeissant à l'archiprêtre gouverné par les jésuites, et les autres appellant de la puissance maladministrée de l'archiprêtre; d'autant que

obtained their release by the interest of cardinal du Perron, then ambassador at Rome from France, after they had obtained an audience of his holiness, in which they stated all the motives of their conduct.

• In the mean time, the archpriest had increased the ferment, by threatening Mush, and a Mr. Colleton, one of the appellants, and a person singularly respected, with suspension; they stated their case to the faculty of divines of the university of Paris,—and it was determined, by the unanimous opinion of the faculty, that the priests were not schismatics, and had not sinned, by refusing to subscribe to the authority of the archpriest. Upon this, the archpriest issued an angry decree, forbidding every person, ecclesiastic or lay, to defend, by word of mouth, or in writing, the sentence of the university, under pain of interdiction. He afterwards suspended both Mush and Colleton*. These proceedings of the archpriest cannot be justified; on any ground of form, of prudence, or of charity.

They were the more objectionable, as the conduct of the whole clergy, and particularly the conduct of the appellants, was exemplary. The appointment of the archpriest, and the regulations

“ la partie des jésuites en ce pays là depend de Personius et “ autres instrumens de la faction d’Espagne.”—*Mémoires et Négotiations du Cardinal du Perron.* Paris; p. 403.

* Dodd, vol. ii. p. 256, 257. Colleton’s Defence, p. 145, 197, 225.

which attended it, were, as we have seen, most repugnant to their feelings ; but no sooner did the bull of the pope arrive, than they submitted to it without any limitation. Thus the time was come, when every thing unpleasant, which had taken place in the contest, should have been buried in oblivion, and the only rivalry between the parties, should have been, who should best promote good humour. The reverse unfortunately happened : it was contended that the actual submission of the appellants did not undo or atone for the criminality of their former appeal : and, on this ground, the archpriest and his adherents continued to treat them as schismatics. This, the calumniated priests could not endure in patience. On the 17th of November 1600, thirty-two of them presented to the archpriest a letter subscribed by them* ; in which, after mentioning the grievances under which they laboured, and an increase of them which they apprehended, they appealed in form from him to the holy see,—praying, at the same time, the apostoli, or demissorial letter, allowing them to prosecute the appeal ;—“ And,” say the appellants, “ we “ make this appeal in our own names, and in the “ names both of the clergy and the laity ; of which “ latter there are many hundreds, whose names, for “ just causes, are concealed, that adhere unto us.”

The appellants transmitted the appeal to Rome. The pope received it with kindness ; and, in consequence of it, addressed to the archpriest a brief,

* Dodd, vol. ii. p. 258. Colleton's Defence, p. 1002.

dated the 17th of August 1601, in the form of a letter*, in which he gives a succinct and impartial account of the contentions, which had occasioned the appointment of the archpriest, and to which that appointment had given rise. His holiness notices, with disapprobation, father Lyster's Treatise on Schism, and an answer of the archpriest, who, when the appellants had complained to him of that work, replied—"which," says his holiness, "we repeat with sorrow†,"—"that he thought "them schismatics;" on which, says the pope, the troubles again burst forth.—The pope then notices the appeal, and declares that he had read and considered it.—He proceeds to confirm the archpriest in his appointment, and the powers attached to it; but admonishes him, that he was elevated to the rank which had been conferred on him, for the purpose of edification, not of destruction; and recommends to him to temper severity with mildness, to be the father more than the commander of the flock, to be slow in condemning, and to stop the publication of libels; he suppresses the Treatise on Schism, and all the other publications to which the controversy had given rise. He exhorts all parties, in beautiful and affecting terms, to a general oblivion of offence, and a constant interchange of good offices,—and imposes silence on all.—He declines to admit the appeal, as the admission of it would, he says, produce perpetual contention.

* Dodd, vol. ii. p. 259.

† Quod dolentes referimus.

This excellent letter did not entirely pacify the troubles. The clergy sent a third deputation to Rome. It produced a second letter from the pope to the archpriest, in the form of a brief, dated the 6th of October 1602 *. His holiness observes to the archpriest, that sometimes, in the discharge of his office, he had exceeded his powers ; that these were only to be exercised over the seminary priests, and did not extend over the laity ; he blames him for proceeding by suspension and censures against the appellants ; he declares that they had never lost their faculties by their proceedings. His holiness then, in virtue of his apostolical authority, commands him, by holy obedience, to communicate no business of his office to the provincial of the society of Jesus, or to any members of the society in England,—lest it should be a cause of animosity and discord between the society and the appellants ; and with the same view, he revokes the contrary injunctions given by cardinal Cajetan.—He enjoins the archpriest to have no communication with the jesuits at Rome, respecting the English mission, or the concerns of his office.—But he observes, that this injunction did not proceed from an unfavourable opinion of the society, whose zeal and piety he warmly commends ; but for the sake of preserving peace and harmony, which the jesuits themselves, he says, thought it would promote.—Carrying this amiable spirit of conciliation still further, he provided, that, on the death of the three assistants, who should first depart this life, the

*. Dodd, vol. ii. p. 262.

archpriest should supply the vacancies from the appellants.—He directs future appeals to be made to the cardinal protector, and orders the archpriest to transmit them to him. Publications for or against the jesuits, for or against the appellants, and every other publication of that description, without license from the cardinal, he prohibits under pain of excommunication. “ By the mercies of God and his
“ Son, we implore you to love one another; to take
“ offence at none, to render to none evil for evil,
“ lest it should bring your ministry into contempt:
“ to do good to all; and to do it both before God
“ and man, that, at length, with the help of God,
“ who is true peace and charity, you may reap with
“ gladness the fruits of your hard labourings in
“ danger and dismay;—this we, with the whole
“ church, expect from you.”

Thus, in a manner highly honourable to the appellant priests, and to those who acted or thought with them, the matters in dispute were settled by papal authority. Applications, however, to Rome for a bishop were still made. It appears, by a letter of father Augustine, prior of the English benedictine monks at Douay, written in 1607*, that two clergymen, soliciting the appointment of bishops, were then at Rome. The pious father discusses, with much good sense and discrimination of character, two important questions,—whether bishops for the English mission were necessary; and supposing the appointment necessary, on whom it should fall. To the first question, he answers in the affirmative, but with a salvo, that the person

* In the Clarendon State Papers.

appointed should be acceptable, or at least not obnoxious to the party which favoured, or the party which opposed the jesuits.—In answer to the second question he mentions Dr. Kellison, Dr. Smith, and some others as persons excellently qualified for the office. Paul the fifth filled at this time the papal chair: he rejected the application.

Blackwell having held the dignity of archpriest during ten years, was deposed in 1608, chiefly, it is supposed, for his advocacy of the oath of allegiance, proposed by James the first. On his decease, the same title and jurisdiction were conferred on Mr. George Birkett, a clergyman of wise and moderate councils, and of conciliating manners; “studious,” says Dodd, “of the reputation of the “clergy, yet not inclinable to lessen that of others.” He died in 1614; and Dr. Harrison, by an instrument dated the 11th of July 1615, was substituted in his place. From a manuscript, which belonged to the late Dr. Macro of Cambridge, it appears, that, by a formal injunction, Dr. Harrison forbade his clergy “to go to plays, acted by common players “in common stages, under pain of being deprived “*ipso facto* of their faculties.” Against this injunction, three priests, of the names of Like, Thules, and Canon, protested: Dr. Harrison justified his proceeding by a long and well-written letter.—He mentions in it, that from tenderness for the three priests, he had made the inhibition general; but that, in fact, it had been particularly occasioned by them, as they were the only clergymen, under his jurisdiction, who frequented stage entertainments.

The form of government by an archpriest still

was unpleasant to the seculars. It is not within our object to enter into a more than necessary detail of the little feuds, the jealousies d'amitié,—(for the writer wishes to believe them nothing more,)—which, in almost every stage of their history since the reformation, have distracted the councils of the English catholics, and weakened their efforts to obtain relief. Even when the wicked quarrel, it is an object of pain to the truly good man ; but, when animosities and dissensions arise among the virtuous and the holy, who does not wish the agitation terminated and forgotten? who does not wish the arrival “ of the reign of heavenly love, where,” to use the words of Fénelon, “ there will be no error, “ no division, no scandal ; where we shall breathe “ the pure love of God, and he will communicate “ to us his everlasting peace *?”

* “ I protest,” says Fuller, (Church History, book ix, p. 224), “ though uncertain to find belief, that I take no “ delight, in relating these discontents between the secular “ and regular priests, much less shall my pen widen the wound “ between them ; for though I approve the opinions of neither, “ yet am I so much a friend to the persons of both parties, as “ not to make much to myself of their discords : the rather “ because no christian can heartily laugh at the factions of his “ fiercest enemies, because that, at the same time, paineth “ him with the sad remembrance that such divisions have “ formerly, at the present, or may hereafter be among those “ of his own profession : such is the frailty of human nature “ on what side soever.”—A generous sentiment, and a just observation!

LIII. 2.

Appointment of a Vicar Apostolic.

PERCEIVING the universal wish of the clergy, for episcopal government, Dr. Harrison, with his twelve assistants, signed a petition for it to Rome, and Rome approved the proposal. It remained to settle what form of episcopacy should be established.

The canons of the church require, that no bishop shall be ordained, unless the flock of the place, for which he is ordained bishop, is committed to his care; and that his jurisdiction shall be confined to that precinct. At the consecration of every bishop, the officiating prelate puts the gospel into his hands,—and says,—“ receive the gospel—and “ go! preach it to the people committed to thy “ care! for powerful is God, to increase his grace “ on thee!”

But the calamities of christendom made frequent infractions of this rule necessary. The irruptions of the barbarians, and particularly the conquests of the Saracens, in the eleventh and twelfth centuries, disturbed the economy of many dioceses, and confounded the limits of ecclesiastical jurisdiction. It was often difficult, and sometimes impossible to appoint new sees with regular pastors. To supply the want of them, the see of Rome adopted the following plan:—a person was consecrated the bishop of a place, which had once been an episcopal see; but which, in consequence of the dispersion, the

heresy, or the schism of the flock, had ceased to be the residence of a bishop. The person, thus consecrated, was delegated by the pope to exercise episcopal functions in some place, where a prelate was wanted; but which had not its regular bishop. The bishops, thus appointed, are called titular, from their having the name,—and nothing more than the name,—of the church, to which they were ostensibly appointed; they are also called vicars apostolic, because their power, in respect to the territory, over which it is to be really exercised, is wholly vicarial, being delegated to them by the holy see,—and held at his pleasure. Such an institution is dissonant from the general spirit of church discipline; but, what necessity requires, necessity excuses:—Van Espen * admits, that “where necessity calls for it, “a resort to this institution is proper and salutary.”

In February 1623, Dr. Bishop was declared bishop-elect of Chalcedon; in the following month, a bull issued for his consecration; it was followed almost immediately by a brief, conferring on him episcopal jurisdiction over the catholics of England and Scotland. “When thou shalt be arrived,” says the brief, “in those kingdoms, we give thee “license, *ad nostrum et sedis apotolicæ bene placitum*, at the good-will of ourselves and our successors in the holy see, freely and lawfully to “enjoy and use all and each of those faculties, “committed by our predecessors to the archpriests, “as also such as ordinaries enjoy and exercise, in “their cities and dioceses.” Thus, Dr. Bishop

* Jus Ecclesiasticum Universum, par. i. tit. xv. ch. iv.

had ordinary jurisdiction over the catholics of England and Scotland ; but revocable at the pleasure of the pope :—in the language of curialists, he was vicar-apostolic, with ordinary jurisdiction. In exercise of his powers, he instituted a dean and a chapter, as a standing council for his own assistance, with power, during a vacancy of the see, to exercise episcopal ordinary jurisdiction, professing, at the same time, that, “ what defect might be in his own power, he would supplicate his holiness to make good, from the plenitude of his own.”

Universally respected and beloved, he died in April 1624 ; and Dr. Richard Smith was appointed his successor, with the same powers, though expressed in language seemingly different.

From several letters published by Dodd*, it appears that the instrument, by which Mr. Birkett was appointed archpriest, did not contain the injunction imposed upon Mr. Blackwell his predecessor, to abstain from communicating respecting the matters of his government with the members of the society of Jesus ; but that, from the first, this injunction was implied, and that an express order to this effect was afterwards issued. One of the last acts of the life of Mr. Birkett was, to address the following letter, dated the 3d of September 1614, “ to the English jesuits in general.” We shall immediately present it to our readers : and afterwards insert three letters, which father Persons wrote with his dying hand :—one to Mr. Birkett, may be considered as a reply to this letter.

* Vol. ii. p. 483.

“ Very rev. F. F.

“ The great desire I have had, since my first
“ calling by his holiness to this place, to keep unity
“ and peace amongst the labourers of this vineyard,
“ besides the testimony of my conscience, the
“ effects that have followed my endeavours, are
“ good witnesses to the same. What difference
“ I found, at my first entry, between your fathers,
“ who labour with us, and the chiefest and most
“ sufficient priests, as I have found by experience
“ of my own body, I would rather in silence they
“ were wrapt up, never to be thought of, than by
“ unfolding of them, to bring that into memory,
“ which will not be so easily forgotten. It resteth
“ now only, on my part, who, wearied with age,
“ and sore weakened with sickness, as that I am
“ ready to take my last farewell, that nothing should
“ be moved, or said by me, which did not altogether
“ tend to the glory of God, and good of our country:
“ which in few words (my weakness considered,
“ being not able to use many), is, to entreat, that
“ you would lovingly concur, and charitably help
“ the clergy of this kingdom; for whose assistance
“ you were first sent into this harvest. I know
“ your profession is honourable in God’s church;
“ your labours against heresy and sin commendable:
“ but if peace and charity guide not your endeavours,
“ we labour in vain; and all will perish, and come
“ to destruction and ruin, that we have undertaken.
“ I have dealt with the chiefest of my own, who,
“ I know, you have held in greater jealousy than
“ there is cause. And to deal plainly and sincerely

" with you, I find them most ready to give you that
 " correspondence, which is necessary you should
 " give one another, who travel in so holy a work.
 " They only desire, that in their government you
 " meddle no further, than they do in yours : withal,
 " that you oppose not yourselves in any suit they
 " propose to the chief pastor, for the good of their
 " own body ; especially in matters of superiority,
 " which canonically belongeth to their vocation.
 " This being done, there will be no occasion, but
 " that you will friendly and charitably set forward
 " this great work, you have undertaken. For my
 " own part, I wish you all as well as I do my own
 " heart : therefore, with all indifferency, entreat you
 " would keep amongst you this holy league. It is
 " the will of the chief pastor : it is desired by all
 " mine ; and I hope will be accomplished of all
 " parts. Sweet Jesus keep you ! to whom desiring
 " you would remember my poor soul, I rest from
 " my bed, your b. in all charity and love.

" *George Birkett*, archp."

" 3 April, 1614."

LIII. 3.

The Death of father Persons.

FATHER MORE thus respectfully leads this eminent personage to the close of his life.

" We have seen, in the cases of Baldwin, Gerard,
 " and others, that false accusations of them reached
 " Belgium ; and what false accusations of Persons
 " reached Rome. Pope Clement already had con-

“ferred with Aquaviva the general, about the removal of Persons ; but he, foreseeing the result, went, on the plea of ill health, to Naples, never again to return till after the death of Clement. He spent the remainder of his years in writing books ; and many adapted to those times, were published by him : as ‘ *Questiones duæ de Sacris alienis non adeundis*,’ in which he made use of nearly the same argument as he had done in his Consolatory Epistle, which he had written in English, twenty years before :—‘ A Treatise on Equivocation ;’ on ‘ Mitigation of the Penal Laws against Catholics :’ some works against sir Edward Coke, Barlow, and other persons ; in which, by establishing the dogmata of faith, he repelled heresies. Thus, he made the years of his life shorter than was desired. In the year 1610, he had gone through half the Lent in the strict observance of the precept of fast, when he was seized with a violent fever. In a few days he was brought to the extremity ; he assuaged his sufferings by frequent pious meditation on the passion of Christ.

“Pope Paul, as soon as he heard of his situation, granted him those indulgencies, which it is customary to send to cardinals, in their last moments. Aquaviva, the general of the society, and the chief fathers in Rome, crowded to see him. Four days before his decease, he dictated three letters :—one, of thanks, to Blaise, bishop of St. Omer’s ; another, of exhortation, to the members of our society in England ; and a third, to

“ Birkett, who had succeeded the archpriest Black-
“ well. The letter to the members of our society
“ was of this tenor :—

“ ‘ My reverend and dear fathers and brothers,
“ whom it has pleased God to call and unite
“ in this mission of our society for the con-
“ version and comfort of our miserable coun-
“ try England, and the government of whom,
“ during so many years, the very reverend
“ father-general has thought proper to commit
“ to me !

“ ‘ Now, that by the Divine will, I am about, as
“ I hope, to lay down this charge, together with
“ this mortal life, I cannot forbear bidding you all,
“ in this epistle,—farewell :—and, in the first place,
“ to commend myself and the repose of my soul
“ to God in your prayers :—then,—love one an-
“ other, the only mark of true disciples and fol-
“ lowers of Christ, which I wish may be kept
“ inviolate, according to the spirit of our society ;
“ that is, that each one should consider himself
“ below the rest ; that, he always prefer in his heart
“ others to himself ; and make his outward con-
“ duct, as far as lies in his power, correspond with
“ this precept: doing all things to the honour and
“ glory of God, and the comfort of you all. For,
“ acting thus, all of you, as I trust in the Lord,
“ will happily finish your course, in obedience to
“ God in this life ; and hereafter, through the merits
“ of the passion of Christ, we shall meet together
“ in a glorious and everlasting resurrection.—

“ Dated from the bed of sickness in the English
“ college at Rome, on the vigil of our Lord’s re-
“ surrection, in the year 1610.

“ Wholly and always yours,

“ *Robert Persons.*”

“ To the archpriest he addressed himself as follows :

“ ‘ Most rev. sir, and dear friend !

“ ‘ Shortly, as I hope, am I about to close this
“ life, and to go to Christ my Saviour. In this my
“ last agony, can I forget you ! or fail to dictate in
“ writing my last farewell to you, your assistants,
“ and all the rest under you, as a pledge of cha-
“ rity, and of the perfect love, in Jesus Christ,
“ which I bear, and have always borne to you, and
“ all of them ! And I declare that I now leave the
“ world in the same sentiments, with which I have
“ ever been animated, of love, peace, and union of
“ all of you, among yourselves, and with all our
“ fathers : and that never, as far as I know, or can
“ conceive, has there been on our part any desire
“ for superiority over you, or over any one of you ;
“ but a cordial co-operation for the advantage and
“ increase of the catholic faith, according to the
“ duties of our institution :—which co-operation
“ between you and our fathers, I hope may always
“ subsist in the bowels of Christ, for the greater
“ honour and glory of God. To his keeping, and
“ in the same spirit of charity, and in these same
“ sentiments, which fill my mind, so I recommend
“ you, and all my dear brothers committed to your
“ care ; with whom joining in prayer, I beseech

“ our sweet Saviour, that, by the merits of his
“ most bitter passion, he would give us a glorious
“ resurrection. Farewell in Christ Jesus!—Given
“ from the bed of sickness, in the English college
“ at Rome, on the vigil of our Lord’s resurrection,
“ in the year 1610.’

“ Lastly, he wrote to the bishop of St. Omer’s,
“ in these words :—

“ ‘ Most reverend, and by me deservedly
“ respected lord !

“ ‘ Although I have reached the term, prescribed
“ to all men,—death,—which, as I hope, will yield
“ my soul, freed from the earthly bond, to its Re-
“ deemer, when I shall see the good things of the
“ Lord in the land of the living; yet, in the mean-
“ time, whilst breath is allowed me on the bed of
“ sickness, the more frequently do I recal to mind
“ the services of so great a benefactor, by which he
“ has shown his affection to the much-afflicted cause
“ of England, and helped and forwarded our mis-
“ sion in that harvest. It is to testify how much he
“ has bound me to him for these singular favours,
“ that I have wished to leave this last written proof
“ behind me; and now, dying, to repeat once more,
“ those acknowledgments, which, whilst living,
“ I have often made, earnestly beseeching him
“ that as he has begun, so he will finish, nor leave
“ orphans those, whom his paternal love has already
“ made his adopted children. Farewell most re-
“ vered and most beloved bishop and father of the
“ English!—May God grant you a long life ! and,

“ after your course is done, give you a crown of
 “ righteousness, reserved for you in his heavenly
 “ kingdom ; whither when I shall have arrived,
 “ I shall not be unmindful of Blaise. I wish the
 “ reverend father Schondonckin and those with
 “ him to receive the warmest salutations, which I
 “ am not able to convey to him myself. Great
 “ is the charge entrusted to him of instructing our
 “ youth ; let him therefore strenuously, as hitherto,
 “ defend his Sparta*. I can no more,—for my
 “ time is near, and I desire to be dissolved and to
 “ be with Christ. I recommend myself to the
 “ sacrifices of your most reverend lordship ; also
 “ to the prayers of our fathers in the college ;
 “ whom, from my soul, I salute ; and the prayers
 “ of all the scholars, on whom I eagerly pray God
 “ to pour out every blessing. Again and ever
 “ farewell most reverend Blaise !—From my bed,
 “ 13th April 1610.

“ Your most reverend lordship’s

“ most bounden servant in Christ,

“ *Robert Persons.*”

“ † He lived until the following Wednesday.
 “ Thomas Owen, who succeeded him as rector and
 “ prefect, testifies, that though his sickness was
 “ short, he yet delivered in writing to the general
 “ Aquaviva his sentiments on the future conduct of
 “ the mission. The general gave permission that

* Alluding to the Latin expression “ Spartam quam nactus
 “ sis, orna.”

† Mori, Hist. p. 386.

“ the body, when embalmed, should be placed on
“ the right side of cardinal Allen, in the English
“ sepulchre, with a fair epitaph which may be seen
“ in our historian, father Alégambe*.

“ It is certain, that how great soever were his ta-
“ lents and activity in business, he always cherished
“ a perfect and solid virtue, and maintained it
“ throughout his life. Thus, as among philosophers,
“ the founder of any system is the rule and standard
“ for the rest, so this man may justly be held forth
“ for imitation, as a model, under God, of those
“ virtues, which are wanted in one qualified for
“ such a mission as this :—as to be eminently cir-
“ cumspect and courageous, patient in expectation,
“ bold in action.—He had a great horror of violent
“ and hasty proceedings. He strove to convince,
“ first by argument ; and after he had removed the
“ difficulty, he then suggested the means, by which
“ what he recommended might be effected. Infinite
“ were his dealings with popes, kings, cardinals,
“ and princes, sometimes by word of mouth, some-
“ times in writing ; in both of which his eloquence
“ was equally successful. The lowly were never
“ despised by him ; he was benevolent to all, and
“ beneficent, whenever it was in his power. Wit-
“ ness the number of captives in the ports of his ca-
“ tholic majesty, who, by his intercession, received
“ their liberty ; and whom, during forty years, he
“ assisted with his advice and alms. In the midst
“ of these occupations, he found time for writing,
“ either to enkindle piety in the minds of catho-

* It is also inserted in father Huntley's "Modest Defence."

“ lics, or to expose the deceits and delusions of
“ heretics. In each, he excelled ; so nicely and
“ justly balancing his words, as quite to delight a
“ reader of his own party, and not to wound his
“ adversary too sensibly.—He was of great use in
“ quieting and restraining the unsettled tempers of
“ the scholars, who, under former masters, had been
“ often rebellious. By the dignity of his deport-
“ ment and the efficacy of his discourses command-
“ ing respect, excluding with the utmost care the
“ approach of known and troublesome characters ;
“ and, what was the chief thing, upholding in every
“ action, virtue and a true zeal of God ; and in-
“ stilling, by every means, the same virtuous spirit,
“ like oil from a lamp, into the susceptible minds
“ of the youth. With what ardour he burned to
“ restore the faith of this island ; with what con-
“ fidence in God he advanced the undertaking ;
“ and by what charity towards all men, he was dis-
“ tinguished, are seen not only in the many books
“ which he wrote, and the many journies which
“ he took in every direction by sea and land, but
“ in the many seminaries which he founded and
“ established for the purpose ; and without which,
“ beyond all doubt, the ancient clergy being taken
“ off by age, religion would have failed.

“ In all these affairs, he seemed the more worthy
“ of imitation, and the more to be admired, because
“ he never suffered private interest for himself or
“ his relations to affect him ; but entirely renounced
“ all advantages and honours. He always had, in
“ his mouth, that sentence of the apostle,—whilst

“ we have time, let us do good ; for if we do not
“ fail, we shall in due time reap. Therefore he
“ neglected nothing, which he conceived calculated
“ to spread the catholic faith ; and, having once
“ deliberately undertaken his measures, he was not
“ easily brought to despair of success, persuaded
“ that the bounty of God would supply the means
“ necessary for the foundation of the work. And
“ truly those, who saw the flower of youth so
“ abundant in the Spanish seminaries, and that,
“ for many years, there were fifty and sixty in Val-
“ ladolid, and nearly the same number in Seville
“ and the Roman college, could not but observe,
“ with veneration, the activity of this man, the in-
“ fluence he possessed over persons of distinction,
“ and chiefly his confidence in God, by which he
“ did not doubt the minds of men would be moved
“ to support such necessary establishments. It was
“ this confidence, which, enlarging itself in his latter
“ years, to the extension of the society, produced
“ the houses of Louvaine and Watten. Having lived
“ to see these happy beginnings, he was called to
“ reap the fruit of his harvest in heaven. He was
“ carried off by a short illness of nine days ; so
“ severe, that, on the fourth of them, the physician
“ pronounced his death to be approaching, nor did
“ he think otherwise from the first moment of his
“ being taken ill ; and, being fortified against it
“ by pious reflections and the sacraments of the
“ church, and suggesting whatever appeared to
“ him best for the proper management and promo-
“ tion of the mission, he departed this life on the

“ 15th April 1610, in the sixty-fifth year of his age,
 “ and twenty-third of his profession.”

Such is the character given by a friend,—a brother too in religion,—of father Persons, while his ashes still retained their wonted fires, and admiration and kindness were yet warm. A plainer tale will detract nothing from what it expresses of his intellectual endowments, his energy, his activity, or his pious zeal: it will allow, that the advancement of the catholic religion was the ultimate end and aim of his being; and will suggest that, before we pronounce an absolute censure on the means for accomplishing it, to which he sometimes resorted, we should reflect that he acted according to maxims professed by a multitude of respectable persons in the times in which he lived, and to the principles of many, to whom the catholic public then looked up with veneration; and that, if on some occasions he sought to advance his own brethren too much at the expense of others, it should be considered that this was a natural and not an unamiable weakness,—the last infirmity of a holy mind.—Cardinal Allen is reported to have said of him,—“ that his industry, “ his prudence, his talents for writing and acting, “ exceeded all belief*.”

* Juvençi, Hist. lib. xiii. p. 188.—Many of the works of father Persons have been noticed in the course of these Memoirs.—At this time, the most interesting of them are, 1. His “ Christian Directory,” which has been repeatedly published. 2. His “ Treatise on the Three Conversions of England.” 3. His “ Examination of Fox’s Calendar,” in two parts, both of which, but the last particularly, have become exceedingly scarce. “ Fox’s Acts and Monuments,” says Mr. Alban

LIII. 4.

English Benedictine Monks,—Friars,—College at Lisbon.

SOME English catholics, whom the religious troubles of the times had driven to Italy and Spain, having entered among the *Benedictine Monks* in some of the monasteries of that order in Italy and Spain, an application was made to Clement the eighth in 1603, to erect an *English mission of Benedictines*. With the permission of his holiness, this was accordingly done; and some religious of the two congregations of Monté-Casino and Valladolid, were sent for this purpose to England, to act in concert, but as different congregations. Father

Butler, in his postscript to his first Letter on Bower's History of the Popes, "no sooner appeared, but the catholics called it "a dunghill of lies. (Dr. Harding in his Refutation of the "Apology, page 348.) The learned Richard Rawlinson, L.L.D. & F.R.S. in The New Method of Studying History, tom. ii. "in the Catalogue of Historians, p. 48, says of this work: " 'The turn the author was biassed by, which is very evident "in the whole work, has given good reason to suspect his "honesty as well as his capacity. In troublesome and noisy "times, this author's reputation began to rise so high as to "procure his work a post in the parochial churches almost "equal to that of the holy scriptures. But when some of his "martyrs appeared alive to confront their register, the book "was suppressed, new modelled, and came out in a larger, "though somewhat more modest dress, with a thinner red-lettered calendar.'—To complete the character of that author "and his work, I refer you," continues Mr. Alban Butler, "to the account which our most indefatigable historian and "antiquary, Mr. Hearne, has given of both."

Augustine of St. John, first vicar-general of the Spanish mission, afterwards procured the establishment of two houses for the English benedictine missionaries, one at Douay, the other at Dieulewart in Lorraine.

Father Bulkely was, at this time, the only survivor of the ancient benedictines of England: he had been professed in the abbey of Westminster. In 1607, he received into the order some new members, to form an English benedictine congregation. The proceeding was approved by the general chapter of the congregation of Monté-Casino in 1608, and confirmed by Paul the fifth in the following year. The economy of this new establishment was settled in 1616, by the same pope; and finally by Urban the eighth in 1637.

All the ancient religious of *the order of St. Francis* in England, having become extinct, it was revived in 1617 by Mr. John Gennings, a clergyman, educated in the college of the secular English college at Douay; he established a small convent of Franciscan friars in that town. The number of them increasing, a bull from Rome formed them into a distinct and independent body, and nominated father Gennings for their first provincial.

About the same time a college for the education of English secular clergy to serve on the English mission was established at *Lisbon*, by the munificence of Don Pedro Coutinto, a Portuguese merchant, who expended 5,000 crowns of gold in erecting the establishment, and endowed it with an annual pension of 500 like crowns.

Here our account of the concerns of the English catholics during the reign of James the first, properly closes. Some circumstances in it, with which their history is particularly connected, as the rise of the puritans into political consequence, the negotiations for the marriage of prince Charles, first with the infanta of Spain, and afterwards with the princess royal of France, will be mentioned in our account of the catholics during the following reign.

CHAP. LIV.

CHARLES THE FIRST.

1625.

PRELIMINARY OCCURRENCES CONNECTED WITH
THE HISTORY OF THE ENGLISH CATHOLICS
DURING HIS REIGN.

THE English catholics entertained some hopes of an amelioration of their condition, while the marriage of prince Charles with the infanta of Spain was in agitation. The negotiations for it, and the wish of the monarch that the catholics might be relieved from the severer part of the penal code against them, were announced by him to his parliament in the speech, with which, in 1621, he opened the sessions. "As touching religion," said his majesty, "laws enough are made already. "It stands on two points, persuasion and compulsion: men may persuade, but God must give the blessing. Jesuits, priests, puritans, and sectaries,

“ erring both on the right hand and on the left
 “ hand, are forward to persuade unto their own
 “ ends ; and so ought you, the bishops, in your
 “ example and preaching : but compulsion to obey
 “ is to bind the conscience.—There is a talk of a
 “ match with Spain ; but, if it shall prove a fur-
 “ therance to (her) religion, I am not worthy to be
 “ your king. I will never proceed, but to the glory
 “ of God, and content of my subjects*.”

This was conciliating language ; but it produced no effect. “ The protestants,” says Fuller †, “ grieved at the match, fearing that the marriage
 “ would be the funeral of their religion ; and their
 “ jealousies so descanted thereon, that they sus-
 “ pected, if taking effect, more water of the Tyber
 “ than of the Thames would run down London
 “ bridge.” With these feelings the commons pre-
 sented an address to his majesty, representing the
 alarming growth of the Austrian power, the con-
 federacy of the catholic princes on the continent,
 the increase of catholics in England, and their ex-
 pectations of advantage from the Spanish match ;
 they urged his majesty to make war with Austria,
 to execute with severity the laws against the catho-
 lics, and to marry his son to a protestant princess.
 The king answered by a letter to the speaker, ex-
 pressed in terms, which increased the flame ‡.

The account of the journey of prince Charles to Spain belongs to the general history of England ;

* Rushworth, vol. i. p. 21. Dodd, vol. ii. p. 444.

† Church History, book x. p. 100.

‡ Rushworth, vol. i. p. 40, 43. Dodd, vol. ii. p. 446, 448.

some particulars of it, however, may properly find a place in these pages. The king was aware of the jealousy, which his subjects entertained of the match: "The matter of religion," he observed in one of his despatches to lord Digby, his ambassador at Madrid, "is, to us, of most principal consideration: for nothing can be to us dearer than the honour and safety of the religion, which we profess. And therefore, seeing that this marriage, if it shall take place, is to be with a lady of a different religion from us, it becomes us to be tender, as on the one part, to give them all satisfaction convenient, so, on the other, to admit nothing that may blemish our conscience, or detract from the religion here established*." He recommended to the chaplains of the prince not to engage unnecessarily in religious controversy; and, in case of a challenge, to act on the defensive. He directed them to appropriate an apartment for the celebration of the divine service; to have it respectably fitted up; that prayers should be said in it twice a day; that, "in the sermons, there should be no polemical preachings; that they should only apply themselves to preach, in moral lessons, Christ crucified;" and that they should take with them many copies of the thirty-nine articles, the books of common prayer in many languages,—and,—the king's own works in English and Latin.

To recommend his son to the Spanish court, he issued an order to the lord keeper †, in which he

* Collier's Ecc. Hist. vol. ii. p. 726.

† Dodd, vol. ii. p. 439.

signified it to be his intention to grant pardons to all roman-catholics, who should sue for them, within five years. By his directions, Williams, the bishop of Lincoln and lord privy seal, published an apologetical address *; excusing this measure, on the ground that the king had been making applications to all foreign princes for some indulgence to the distressed protestants in their dominions, and that he was still answered by objections derived from the severity of the English laws against catholics. "Besides," says the lord keeper, "the papists are no otherwise out of prison, than with their shackles about their heels, and good recognizances to present them at the next assizes."—After all, to copy one of the many excellent remarks of Hume †, "it might occur to James, that, if the extremity of religious zeal were ever to abate among christian sects, one of them must begin; and that nothing would be more honourable to England than to have led the way in sentiments so wise and moderate."

The manner, in which the prince was treated both by the Spanish court and the Spanish nation, did them the highest honour. Sensible of the confidence, which he had reposed in them, they never availed themselves of his situation to importune him on the subject of religion, or to require more than decent terms, upon that or any other account. The pope addressed to the prince a letter in terms of affection and respect: his holiness expresses in it,

* Rushworth, vol. i. p. 63. Dodd, vol. ii. p. 448.

† Chap. xlix.

with elegance and delicacy, his sense of the personal merit of the prince ; he commends his predecessors for their piety and regard to the apostolic see, invites him to follow their example, and concludes with a wish, couched in paternal language, for his glory and prosperity. The prince answered his holiness, in kind though general terms, expressing regard and promising moderation in all his conduct towards that portion of his subjects, who were in communion with the holy see *.

On account of the difference in religion, a dispensation for the marriage between the prince and the infanta was necessary. To dispose the pope towards it, James relaxed the execution of the penal laws against the catholics. Several jesuits and secular priests were discharged from imprisonment, the prosecutions against recusants were stopped, and a general spirit of religious indulgence was discovered. Much offence was taken at these symptoms of moderation : a letter to James, attributed by some to Abbot, archbishop of Canterbury, by others, to Matthews, archbishop of York †, was extensively circulated ; it reproached the king, in coarse terms, with his intended toleration of the roman-catholic religion, and dissuaded him from marrying his son to the infanta, or any catholic princess.

The match, however, proceeded : the articles were agreed to : the free exercise of the catholic religion was secured to the infanta and her attend-

* Rushworth, vol. i. p. 78. Dodd, vol. ii. p. 441, 442, 444.

† Cabbala, p. 108. Dodd, vol. ii. p. 463.

ants : the arrangements were not on a larger plan, than her rank evidently required : but the king agreed, by secret articles, to procure a free and liberal toleration of the catholic religion : the dispensation from the pope arrived, and all obstacles seemed to be finally removed, when the duke of Buckingham, in an evil hour, prevailed on the king and the prince to break off the treaty for the marriage. It was accordingly dissolved, and in the most unhandsome manner. Both the monarch and his son acted in this shameful business with a total disregard of truth and honour : the advocates of the prince defended him by attributing his conduct to the fatal ascendancy, which the impetuous and domineering character of Buckingham had obtained over him : still they could not but feel that, if this apology was received, the gentleness of Charles must be admitted to approach nearly to pusillanimity.

It is observable that, very soon after the treaty for the marriage with the infanta was thus disposed of, James, in answer to an address of the commons, urging a severe execution of the laws against the catholics, affirmed, with the solemn asseveration of an oath, that he never had any thought of granting them a toleration of their religion. Now, at this very time, or at least, very soon after, he entered into a treaty for the marriage of his son, with the celebrated Henrietta-Maria, the princess of France, and the basis of this treaty was the adoption of the articles, which had been concluded on the projected marriage of his son with the infanta.

Every thing respecting the marriage with Henrietta was settled in the life-time of James :—it was solemnized soon after his decease. The priests, who accompanied her to England, were of the religious order called the Oratorians*. As that order, though it partakes of the nature both of the regular and of the secular clergy, does not, in strictness, belong absolutely to the one or to the other, it was thought likely to prove less offensive than either, to the English nation. But, by the desire of the queen, the Oratorians were soon sent back to Paris, and Capucins substituted in their place. Lodgings, and a chapel in Somerset-house, had been prepared for the priests who should attend the infantia; these were now assigned to the Capucins†.

* See the "Memoirs of Monsieur Deageant, containing the most secret transactions and affairs of France, from the death of Henry the fourth till the beginning of the ministry of the cardinal de Richelieu. To which is added, a particular relation of the archbishop of Embran's voyage into England, and of his negotiation for the advancement of the roman-catholic religion here; together with the duke of Buckingham's letters to the said archbishop about the progress of that affair, which happened the last years of James the first's reign. Faithfully translated out of the French original—London, 8vo. 1690."—The relation of the archbishop begins at page 228: Mr. Carte, in a note to his History of England, (vol. iv. p. 129,) shows that it is entitled to little, if any, credit.

† Collier's Ecc. Hist. vol. ii. p. 733. Heylin's Examen, Hist. p. 199. The celebrated Berulle, afterwards raised to the purple, was among the priests, who accompanied Henrietta-Maria to England. (See Histoire de Pierre Berulle, cardinal de la saint eglise Romaine, &c. par M. Tabaraud, 2 vols. 8vo. Paris, 1817.)—If we credit this writer, the queen met with an unkind reception from the English; and she

Though the facts, which we have mentioned in this chapter, with the single exception of the solemnization of the marriage of Charles, took place during the reign of his father, yet, as Charles was the person principally interested in them, and his marriage with a catholic princess, had a considerable influence on the events, to which the subject now immediately leads us, we thought that the present was the most proper place for the insertion of them.

CHAP. LV.

ECCLESIASTICAL OCCURRENCES AMONG THE
ENGLISH CATHOLICS DURING THE REIGN OF
CHARLES THE FIRST.—BISHOPS,—CHAPTERS,
—EXEMPTIONS OF REGULARS.

THE proceedings of the catholics among themselves now claim our attention. The appointments of Dr. Bishop and of Dr. Richard Smith his successor to the dignity of a bishop in partibus, with the faculties of a bishop in ordinary, have been mentioned; we shall now present our readers with some facts and observations, I. On the nature and extent of their powers: II. On the chapters appointed by them: III. On the exemption of the regular clergy from episcopal jurisdiction; IV. And on the contests between Dr. Smith and the English regulars respecting these exemptions.

articles, which allowed to her majesty and her attendants the free exercise of their religion, were not honourably complied with.

LV. 1.

*Nature and Extent of the Powers of Bishops in partibus
with ordinary jurisdiction.*

WHEREVER the duties of the divine mission of the apostles carried them, they appointed bishops over the flocks, whom they brought into the christian fold. Thus, in an early age of christianity, it became an universal rule that each distinct diocese, of which the church was formed, should have its particular bishop; and that no bishop should exercise acts of episcopal jurisdiction in the diocese of another, without his consent *. Conformably to this general rule, the council of Tr  nt decreed †, that no bishop should, under any pretence, exercise episcopal jurisdiction, in another diocese, without the permission of its ordinary.

The word “ordinary” is used in the canon law to denote, indiscriminately, either the bishop himself, or the person who exercises, for the time being, episcopal jurisdiction in his stead. When bishops in partibus were appointed in the manner which has been mentioned, they were said to have that jurisdiction over the persons entrusted to their care, which a bishop would have had over them, if they had been the flock of that diocese.

This material distinction subsists between a bishop so appointed, and a bishop in ordinary, that, in respect to the district, over which ordinary jurisdiction is conferred on him, the latter is considered to hold his office by original right, and to

* See the ancient canons collected by Gratian, d. g. 1. can. 7.

† Sess 6. can. 5. de uxor,

exercise its functions of his own authority; the former is considered to hold his office by delegation, and to be removable at the pleasure of the pope, his instituant. This was particularly expressed in the briefs* by which Dr. Bishop, and, after him, Dr. Smith were appointed bishops of Chalcedon, with ordinary jurisdiction over England and Scotland. The popes granted them, "at the goodwill of themselves and the holy see, license and faculties to use and enjoy all the faculties given by their predecessors, Clement the eighth and Paul the fifth, to the archpriests, and all, which ordinaries use and enjoy in their own cities and dioceses." They were empowered to hear and determine causes in the first stage; but the hearing of them in the second, that is, by way of appeal, was reserved to the nuncio at the French court.

They were authorized to appoint archdeacons: it was directed that the powers should cease on the restoration of the catholic religion †.

Dr. Bishop erected a chapter, consisting of a dean and twenty other members, to be considered as his standing council; he also appointed five vicars-general, and twenty-six archdeacons and rural deans. In the instrument, by which he constituted the dean and chapter, he confers on them all the authority, which deans and chapters have by common right; but with an express reservation of due reve-

* Dodd, vol. iii. p. 7. The brief addressed to Dr. Bishop is dated 23 March 1623.—That to Dr. Smith, dated 4 February 1625.

† Dodd, vol. ii. p. 466; vol. iii. p. 7, 8.

rence to the apostolic see ; and an intimation that he had made an application to the pope, to supply, by the plenitude of his power, whatever might be defective in the institution. He appears to have consulted and advised, on this occasion, with Herman Ottemberg, formerly auditor of the congregation of the Rota, at Rome, and afterwards bishop of Arras.

On the death of Dr. Bishop, the dean and chapter constituted by him, exercised during the vacancy of the see, if this expression may be used, the jurisdiction which had been conferred on them by Dr. Bishop*.

Dr. Smith, soon after his appointment, confirmed, and, in some manner, newly modelled the chapter, by letters patent dated the 16th March 1627. He afterwards recalled them, and renewed the ancient chapter, by an instrument, dated the 13th January 1625, but limited the number of its members to thirty†.

LV. 2.

The right of Dr. Bishop and Dr. Smith to appoint a Chapter.

IN the early ages of christianity, the bishop generally conferred on every matter of importance, with the neighbouring clergy ‡: St. Augustine and Eusebius of Vercelli, lived in common with

* Dodd, vol. ii. p. 470.

† Ibid. vol. iii. p. 7, 8.

‡ Thomassin, *Traité de la Discipline Ecclesiastique*, tom. i. lib. iii. cap. 7, 8.

their clergy, as monastics. In the eighth century, St. Chrodegandus, the bishop of Metz, formed the clergy of his own church into a community, and established certain rules for their conduct. At a council held at Aix-la-Chapelle, in 815, an outline of them* was prescribed for general use. The rules thus formed were called the canon of St. Chrodegandus; and the cathedral clergy, from their observances of these rules, were called canons†. The same rules were observed by some other churches; they received, from this circumstance, the appellation of collegiate churches. This excellent institution began to fall into decline towards the middle of the tenth century; those who continued to observe it were called regular canons. By degrees, they separated themselves from the service of the cathedral, and were formed into an order, holding a kind of middle state between the secular clergy and the monastics. Those who did not adopt the rule, remained attached to the cathedral service, and were called secular canons. They appropriated to their own use, a portion of the property attached to the cathedral, subdivided it among themselves, living separately, as persons absolutely secular. To assist them in the performance of their cathedral duty, and, too often, to excuse themselves from its obligations, they employed stipendiary ecclesiastics, who acquired the appellation of minor canons.

The greater canons constituted the chapter,—a

* Fleury, *Hist. Ecc.* tom. x. p. 304.

† Du Fresnoie, *Glossarium*, under this word.

political body aggregate, with a dean, with a common seal, generally with some property, and an officer called a syndic to transact their temporal concerns. By common right, they are subject to the jurisdiction of the bishop; but have frequently been exempted from it, by papal indults. The cardinal of Lorraine said, at the council of Trent*, that "he did not know of a plague more noxious in the church, than these exemptions."

The rights and duties of the chapter vary according to the situation of the see:—when the see is *full*, the bishop, in some instances, advises, or is supposed to advise, with the chapter; in others, he cannot act without their consent;—when the see is *vacant*, the chapter generally administers the spiritual functions of the bishop, in all matters, to which episcopal order is not necessary; they have the care of the possessions of the see; and, where common right has been retained, nominate the successor. During three months after the vacancy of the see takes place, they generally abstain, as much as the case admits, from the exercise of their powers; if the vacancy continues beyond three months, the see is said to be *under impediment*, and the powers of the chapter are then supposed to come into full action.

Such being the nature of a chapter, two questions arise,—whether Dr. Bishop and Dr. Smith had a right to appoint a chapter,—and whether the chapter, so appointed, subsisted beyond the lives of the prelates who appointed them.

* Pallavicini, Hist. Conc. Trid. lib. xxii. cap. iii. n. 6.

Now it seems to be admitted that, according to the discipline of the catholic church, a bishop in ordinary of a see, in which there is no chapter, has an inherent authority to establish one ; and that the chapter so appointed will be invested, in the instant of its establishment, with all the qualities and powers which belong to chapters of common right. Such being the inherent authority of a bishop in ordinary, and the prelates, whom we have mentioned, having all the authority of such a bishop, it seems to follow, that they had the power of appointing a chapter. It is true that the powers of the prelates were only delegated : but the powers delegated to them were those of a bishop in ordinary ; they had therefore a delegated power of appointing a chapter : the difference was, that the ordinary would have appointed the chapter, in virtue of the right inherent to his see ; but the two vicars apostolic appointed it in virtue of a power delegated to them, among the general powers with which they were invested.

The question then is, of what see, or of what prelate, they were the chapter ? Confessedly not of the see of Chalcedon, or of its bishop, so far as he was the ordinary of that see. They formed, therefore, a chapter exercising capitular jurisdiction, in the territory, over which the prelates were authorized by the holy see to exercise ordinary jurisdiction, and the chapter was invested with the stability and permanency, with which it would have been invested, if it had been founded by an actual bishop in ordinary ; still, liable, however, to be

suspended or extinguished by the pope. This,—for we are not now discussing extreme cases,—was another material distinction between the chapters appointed by the two bishops, and the chapter of a bishop in ordinary.

Between the formation of the chapter, and the appointment of vicars apostolic, in the reign of James the second, the dean and chapter exercised numerous acts of capitular jurisdiction. In fifty-three instances, they have addressed, by that style, the holy see, or its congregations, its cardinals, and its nuncios; and received communications from them. The popes frequently mentioned and never disapproved of them.—We have cited the congratulatory letter of the consult of cardinals to Dr. Bishop, on his establishment of the chapter. It is observable that, on the arrival of the infanta of Portugal, afterwards the queen of Charles the second, at Portsmouth, the lord Aubigné, a priest, obtained the leave of the dean to marry them, and afterwards performed the ceremony. The notarial act of their marriage, stated, that it was solemnized by virtue of faculties derived from the chapter; it was signed by all the persons present, and five copies of it taken.—His grace the archbishop of Canterbury then declared them to be lawfully married*; but they never were married in a protestant church, or by a protestant clergyman.

* See the "Abstract of the Transactions relating to the English secular Clergy," in which all these circumstances are methodically collected.

LV. 3.

The Claims of the regular Clergy to Exemption from Episcopal Jurisdiction.

ALL religious orders have certain exemptions from the jurisdiction of their respective bishops ; and, so far as this exemption reaches, there is no intermediate jurisdiction between them and that of the apostolic see. Such exemptions from episcopal jurisdiction were altogether unknown to antiquity. They were introduced by degrees : several instances of exemption are mentioned in the decree of Gratian * ; but some of the authorities, which he adduces in support of them, appear supposititious ; others relate merely to the internal discipline of the convents, such as the choice of abbots and the subordinate officers of the community, or similar matters of internal regulation, with which the interference of the bishops was unnecessary. No genuine document, anterior to the eleventh century, has yet been produced, which proves that any description, either of the regular or secular clergy, was then exempted from episcopal authority.

From this time exemptions rapidly increased : and it is not a little remarkable that St. Bernard † and St. Francis of Assisium ‡, whose spiritual children afterwards luxuriated in exemptions, de-

* Caus. xviii. c. 2.

† De Moribus et Officiis Episcop. c. 9. De Cons. lib. iii. cap. 4.

‡ Baronius, ad an. 676.

plored the introduction, and lamented, not to say condemned, the too frequent multiplications of them. Some attempts were made, at two councils of Lateran, and afterwards at the council of Vienne, to repress them : a similar attempt was made at the council of Constance ; all were unsuccessful ; but the last forced from pope Martin the fifth, the promise of a bull for their regulation. A similar attempt was repeated at the council of Trent, and was more favourably received : for though, as we are informed by Pallavicini *, it was contended, that, “ one of the great advantages, which the community of the religious orders carries with them, lies “ in this, that it upholds the authority of the apostolic see, according to the institution of Christ “ and the good of the church, as it is evident, “ that to preserve itself, every monarchical government must have, in every province, a very efficient body of men, immediately subject to the “ prince, who governs it, by himself and without “ any intermediate interfering power,”—still the council narrowed the exemptions of the regulars by numerous limitations. It provided, that they should not preach or hear confessions, even in the churches of their order, without the leave of the diocesan, and that they should be subject to him, in all that concerned the administration of the sacraments of the church, the public functions of the ministry, and the observance of fasts, feasts, and public ceremonies. If a regular offended against the faith or discipline of the church, the bishop, if

* Hist. Con. Trid. l. xii. c. 13, s. 8.

the offender resided out of the monastery, might himself punish him ; if he were within it, the prelate might order the superior to punish him, within a limited time ; and on the neglect of the superior, might deprive him of his office *. It is admitted that exemptions, being privileges, and consequently against common right, are to be construed strictly ; —but, though the allowance of them derogates from the law, still, as soon as they are allowed, they become part of the law, and should, as such, be legally recognized.—This short view of the nature of the exemptions of regulars from episcopal jurisdiction, appeared necessary for the intelligence of the present and some future pages of this work.

LV. 4.

Contest on Exemptions between Dr. Smith and the regular Clergy.

THE exemption claimed by the regulars, which was most unpleasant to Dr. Smith, was their pretension to the right of hearing confessions, without the permission of the ordinary †. Their title to this important exemption was recognized by Boniface the eighth, qualified by Benedict the tenth, restored to its ancient extent by Clement the fifth, and confirmed by the council of Vienne and the fifth council

* Sess. 6, c. 3.—Sess. 7, c. 1.—Sess. 23, c. 8, 10, 15.—Sess. 25, c. 4, 14.

† See the *Mémoires Chronologiques et Historiques du Père d'Avrigni*, vol. i. p. 307.

of Lateran: but the council of Trent * directed that
 “ the religious should not hear the confessions of
 “ the laity without the approbation of the bishop;
 “ or, if he required it, without a previous examina-
 “ tion by him.”

This council not having been received in France, as to discipline, some regulars contended, that no such previous approbation was necessary in that kingdom; but this assertion was unanimously condemned in 1656, by the French bishops; and the see of Rome afterwards repeatedly † ratified their censure. The differences on this and other points in contest between the prelacy and the regulars had, before this time, risen to such an height, that, in 1633, cardinal de Richelieu assembled, at Paris, the superiors of most of the religious houses in that city, and caused them to sign, under his eye, a declaration, by which “ they acknowledged, in the
 “ names of themselves and of all the religious of
 “ their respective orders, whose assent they under-
 “ took to procure, that they could not and ought
 “ not to preach without the approbation of the or-
 “ dinaries; and that these had a right to revoke their
 “ permission, whenever they should deem it proper,
 “ on account of the notorious incapacity of the
 “ party, or to prevent public scandal:—but they

* Sess. 23, c. 13. Pius the fifth announced it by the bull *Romani pontificis*.

† By St. Pius the fifth, in his constitution, “ *Romani pontificis*,” 1;—Urban the eighth, in his constitution, “ *Cum sicut accipimus*,” 192;—Clement the tenth, in his constitution, “ *Superna*.”

"supplanted, at the same time, that, when such a measure should be thought necessary for securing the useful and worthy administration of the sacraments, the prelates would not resort to it before they had informed the superior of the causes of the revocation, that he might take the proper measures ; yet that, on his neglect, the bishop himself might proceed, in the manner suggested."

This recognition was signed by the superiors of the dominicans, augustinians, friars and jesuits : but it left untouched the question respecting confession.

Dr. Smith arrived in London in May 1625, and was received with respect, both by the clergy and laity. Some time after his arrival, doubts were started whether the decree of the council of Trent and the bull of Pius had not rendered it necessary, that the regular as well as the secular clergy of England should obtain the approbation of the prelate to qualify themselves canonically for hearing confessions ; and whether the want of these had not invalidated the confessions which they had heard. Dr. Smith convened a meeting of the superiors of the benedictine monks and jesuits, and intimated to them his opinion, that no person should hear a confession, without the previous approbation of the ordinary : still, with a view to prevent disputes, he offered, as a provisional measure, that should not prejudice the merits of the question, to grant a general leave of hearing confessions to all the regulars, who should be approved by their respective superiors. This pacific suggestion was not accepted,

and a war of words and pamphlets ensued. Father Rudisend Barlow, the superior of the benedictine monks, having published a treatise, in support of the exemption claimed by the regulars, in which he exceeded the moderation of just defence, it was condemned at Rome as scandalous and erroneous, and the printed copies of it were ordered to be burned*.

But it had been extensively circulated even among protestants; and it greatly indisposed several persons of each communion against the prelate. Suggestions were insinuated that he intended to establish a court, that should take cognizance of marriages, testaments, and other matters, which, in foreign countries, are assigned to the jurisdiction of bishops in ordinary. Upon this, father Rudisend Barlow, in the work which we have just mentioned, laid great stress; he described it "as a new tribunal, as an ecclesiastical jurisdiction highly offensive to his majesty, and all the protestants of the kingdom;" and moved that "his majesty should, by a public edict, prohibit all his subjects, under pain of death, from receiving into their houses, or assisting in any manner, the bishop of Chalcedon, or any of his officials; and order them immediately to discover and denounce them to the magistracy, as dangerous and turbulent men, and as enemies to his majesty and his temporal government." The bishop modestly replied to this charge: he observed, that "the church had both an external and an internal court;" that, "as the

* Dodd, vol. iii. p. 157.

“ external court can bind notorious and scandalous
“ sinners, by censures, deprivations, and suspen-
“ sions, which is a pure spiritual authority, so
“ likewise, in catholic countries, it decides divers
“ litigious causes, and inflicts temporal as well as
“ spiritual mulcts and punishments, and is vulgarly
“ called the bishop’s court:” he declared that “ he
“ pretended not in the slightest degree to the last,
“ but that the former was his essential due.”

Thus there had not been the least ground for father Barlow’s violent charge ; but it considerably increased the general irritation. The catholics were divided ; all the secular clergy sided with the bishop, all the regulars took part against him ; the laity were split into similar parties ; the protestants were scandalized, offended, and disgusted ; and government, at length, took the alarm. On the 11th December 1628, a proclamation was issued for the apprehension of Dr. Smith. This obliged his lordship to abstain from the exercise of his functions, and to live in great retirement. The clamour, however, continued, and, on the 24th of March, in the following year, a second proclamation for his apprehension was issued, with an offer of 100*l.* to any person who should apprehend him *. Upon this second proclamation, he retired to the house of the French ambassador ; and thus sheltered, he exercised unobservedly, during some time, his episcopal functions. But clamour pursued him into his retreat ; he endeavoured to appease it by flight,

* Dodd has inserted both proclamations, vol. ii. p. 143.

and repaired to Paris, and continued to govern his flock by his grand vicars.

A remonstrance against him and some of his measures was attempted to be procured: sir Thomas Brudenel, sir Toby Matthews, and sir Basil Brooke, took a very active but not a very accurate part in obtaining signatures to it. With such as could be obtained, it was forwarded to Rome; but it was soon followed by a counter remonstrance, more numerous and respectably signed.

The opposition continued; and its violence increased. It appears that, when Dr. Smith arrived in England, he, as Dr. Bishop his predecessor had done, assumed the title of ordinary of England and Scotland. This might be an error; but at most it was venial; for, as the pope had given them the power, it was natural for them to consider that they should bear the name of ordinary. Cardinal Belarmine, in his correspondence with bishop Smith, had given him that title; and the cardinals Bentivoglio, Lodovici, and Campiani, and the nuncio at Bruxelles, directed their letters to him as ordinary of England and Scotland. Other cardinals, and father Rudisend, president of the English congregation of benedictines, father Leander, its prior, father Joseph de S^{te} Martino, provincial of the province of Canterbury, in his own name, and in that of father Bede, provincial of the province of York, addressed him by the same title; it was given him in the agreement signed by him and the superiors of the benedictines; and finally, the instruc-

tions, which were sent to him by the pope for the regulation of his conduct, described him as ordinary both of England and Scotland. At a subsequent time, however, he was admonished by the pope's nuncio at Paris to drop the style of ordinary; and this was afterwards enjoined him by two decrees of the congregation *de Propaganda Fide*. These also declared that the regulars were not obliged to apply to him for leave to hear confessions; yet that his approbation must be obtained for the administration of what are termed the three parochial sacraments, baptism, matrimony, and extreme unction.

A bull to the same effect was also said to have issued from Rome, by Urban the eighth. From its first word,—it was styled the bull “*Britannia*.”—Doubts were entertained of its authenticity, or at least of its canonical validity: the writer has not found it in any bullarium; he believes, that the terms of it had been settled; and that it had passed through all the regular stages; but that in consequence of a remonstrance from the secular clergy, backed by the queen, it never was promulgated, and therefore had not, even in the Roman court, the force of a legal instrument.

No objection appears to have been made to the institution of the chapter: neither does the see of Rome seem to have interfered, in any other respect, with Dr. Smith's administration of his diocese. Cardinal de Richelieu favoured him and his cause: his eminence bestowed on him the abbey de Charroux: the prelate devoted the whole of the income, which he derived from it, except a small portion,

which was appropriated for his decent support, to purposes of religion and charity. Still, his adversaries were too attentive to him ; they prevailed on the cardinal de Mazarin, the successor of Richelieu, to take from the worthy prelate his abbey. On this distressing circumstance, for it left him without adequate means of subsistence, and afflicted many an object of his actual bounty, he was received by the English nuns of the order of St. Augustine in Paris, in the foundation of whose convent he had taken a principal part. They allowed him an apartment in a neighbouring house, which belonged to them. There, he spent his last years in prayer and quiet ; and died in 1655, in the eighty-fifth year of his age *.

In the controversy, in which this prelate engaged, he found an able advocate in Dr. Kellison, the president of the English college at Douay. His work, " On the Ecclesiastical Hierarchy," is written with learning and moderation ; but some passages in it, apparently excluding the regulars from the hierarchy, were thought to be too loosely expressed. In father Knott, the superior of the English jesuits, who wrote under the name of Smith, and in father Floyd, another English jesuit, who wrote under the name of Daniel à Jesu, Dr. Kellison had able antagonists : but the works of both the jesuits were condemned by the archbishop of Paris, and afterwards by the Sorbonne. Two other publications of father Floyd, under the name of

* See Dodd, vol. iii.—Richard, bishop of Chalcedon, p. 4,—Life, p. 76. Records, 138.

Hermannus Loemelius, were attended with more serious consequences: they produced the celebrated work of the abbé de St. Cyran and M. de Barcos, his nephew, intituled *Petrus Aurelius*. Few works have been received on their first appearance with greater applause; few at this time are less read; but it may be considered as the signal of that war of the press, which was carried on between the jesuits and the jansenists, from the time of which we are now speaking, till the present.

In 1635, this remarkable work was solemnly approved by the assembly of the clergy of France, after deliberating upon it by provinces. In 1641, 1642, 1645, and 1646, the assembly printed, at its own expense, separate editions of it, for general distribution, and, by their direction, M. Godeau, bishop of Vence, prefixed to the last a pompous eulogium of the performance:—the assembly also decreed to its author a gratification of 13,000 livres. These facts seem to prove that it was a work of extraordinary merit:—but M. l'Avocat*, whose opinion in this instance cannot be questioned, justly appreciates it, when he says, that “if a person were to take away its invectives and its slanders of the jesuits, very little of it would remain.” He declares that “a small work published on the same subject by M. Hallier, was written with much greater learning and ability.” The clergy, however, pursued their triumph: the bishops summoned the French jesuits to appear before them; the fathers disavowed the works of

* Dictionnaire, art. Cyran.

their two English brethren, and expressed a strong wish that they had not been written.

The court of Rome, had, with its usual prudence, endeavoured to stop the controversy, while it was in its earliest stage: the congregation of the Index issued, in 1633, a decree, by which it suppressed all writings, in print or manuscript, upon the subject, or relating to it in any manner, and forbad the faithful to write, to print, or even to dispute upon it: the pope afterwards confirmed the prohibition, and added the penalty of excommunication, to be incurred *ipso facto*, reserving absolution from it, except at the hour of death, to the holy see. But the congregation profess to express no opinion on the merits of the case, or the works of the writers. — We have seen how little attention was shown to this decree, by the clergy of France; and it is evident, from the continuation of the controversy on both sides, and the manner in which it was conducted, that, in England, quite as little attention was shown to it, by either party.

CHAP. LVI.

MISSIONS OF FATHER LEANDER A SANCTO MARTINO, — AND SIGNOR GREGORIO PANZANI, FROM THE SEE OF ROME INTO ENGLAND.

1634.

WE return to the external concerns of the catholics.

It has been mentioned, that the marriage of Charles the first with Henrietta-Maria of France,

produced a correspondence of courtesy between the pope and the monarch. Each used expressions, and each probably felt sentiments of esteem and regard for the other. To avail himself of this opening for the service of the catholic cause, to obtain an exact notion of the differences between the secular and the regular clergy, by which it was so much prejudiced, and to enable himself to find an effectual remedy for them, Urban the eighth, who then filled the Roman see, a man of talent, piety, learning, and prudence, determined on sending an accredited agent to England.

The project was favoured by sir Francis, afterwards lord Cottington, and by sir Francis Wimbark: the former was under-treasurer and chancellor of the exchequer, the latter was secretary of state: both were distinguished for their ability and loyalty; both were suspected of having, before this time, embraced the roman-catholic religion, and both made an actual profession of it openly when they died*.

LVI. 1.

Father Leander.

THE first person, of whom the pope made choice for the important commission, we have mentioned, was father Leander à Sancto Martino. He was educated at Oxford, where he formed a friendship with archbishop Laud, which subsisted through their lives. Having entered into the benedictine order, he was appointed professor of Hebrew and

* Dodd, vol. iii. p. 47, 59.

divinity, prior of the monastery in Douay, and, on two occasions, president of the English benedictine congregation of Mount Cassino. To this, and to the general cause of the English catholics, he was sincerely attached; he appears to have been conciliating in his manners, and to have possessed wise and liberal principles. Lord Clarendon's State Papers* contain several letters from him to the pope, to cardinal Bentivoglio, cardinal Barberini, and secretary Windebank, and several other epistolary documents of importance, respecting the English catholics. His correspondence with the pope and cardinals is in the Latin language; the style of it is remarkably clear and elegant.

He arrived in London † in the spring of the year 1634, and passed by the name of Jones ‡, which was that of his family, or by that of Scudamore or Skidmore. Some time after his arrival, he wrote a letter to cardinal Bentivoglio §, in which he mentions; that two subjects, at that time, engaged the attention of the catholics, and split them into parties; the oath of allegiance proposed by James the first, and the appointment of one or more prelates

* "State Papers collected by Edward earl of Clarendon, "commencing from the year 1621, containing the materials, "from which his history of the great rebellion was composed, "and the authorities on which the truth of his relation is "founded. 3 vols. fol. Oxford, at the Clarendon printing "house, 1767."

† Cla. State Papers, vol. i. p. 106.

‡ Under this name an account is given of him by Dodd, vol. iii. p. 112.

§ Cla. State Papers, vol. i. p. 129.

over them. He notices two publications, one for the oath, and the other against it; he says they were written by two roman-catholic gentlemen of distinction, and that the former * was much approved, and the latter as much condemned by the king †. He observes that the latter contains some

* The title of the work is, "A Pattern of Christian Loyalty: whereby any prudent man may clearly perceive in what manner the new oath of allegiance, and every clause thereof, may, in a true and catholike sense, without danger of perjury, be taken by the roman-catholikes: and all the chief objections, which are usually made against the said oath, either in particular or in general, may according to the grounds of the catholike religion bee easily answered. Collected out of authours, who have handled the whole matter more largely. By William Howard, an English catholike, 4to. London, 1634."

† The writer has not been able to ascertain the title of this publication, or its author,—but suspects it was the work of father Courtenay, which Leander notices in the following terms. (Cla. State Papers, vol. i. p. 258.) "*Remarks upon some passages of Mr. Courtenay's book against the oath of allegiance.*"

"In his fourth argument:

I. "That it is a matter of faith believed by all catholics, that the pope, by his spiritual authority, can authorize princes to make war, invade, and depose for spiritual ends."

"In his last argument:

"That the pope hath an undoubted power to depose both spiritual and temporal.

"That, whatsoever power the pope hath to deprive princes of their kingdoms and titles, or by authorizing of war for cause of religion; (for he supposeth the only cause of religion to be a sufficient title of war;) he hath much more to deprive them of their subjects' allegiance.

"From whence it clearly followeth, that, if the pope, (by

reprehensible passages, particularly on the power of the people to dethrone the sovereign, and to

"whom he saith all catholics are to be governed in matters of conscience and religion,) "should depose the king, authorize princes to invade him, absolve his subjects from their allegiance, for cause of religion, and command them not to obey, but to take part with those princes, if he will not desist to put in execution the penal laws made against catholics, they are bound, or at leastwise may lawfully rebel against him."

"Which to say, is, in my judgment, high treason; and to persuade others, by public writings, to believe the same, is plain sedition."

"In his ninth argument:

II. "That the temporal commonwealth, in some cases of extremity, can deprive princes of their royal dignity for temporal causes; and, that it hath the same power to take it away, which it had to give it, and to make it elective or successive, as it shall appear best, in case of extremity."

"Which assertion is, in my judgment, very dangerous."

"In his third argument:

III. "That no person, (nor the king himself, because he is not the law-maker, but the king and parliament,) can add any exception against the general prohibition of the law:—Which is not, at least, well expressed in the law by sufficient words, to declare the intention thereof in that behalf; and, that the king alone was not the law-maker, but the king and parliament."

"Which quite overthroweth the king's supreme judicial authority to interpret laws, and his sovereign prerogative power to make them."

"In his second, eleventh, and seventh arguments:

IV. "That whosoever taketh the oath, incurreth formal heresy, idolatry, and high treason."

"Whereby he also taxeth the king of incurring formal heresy and idolatry, and committing high treason."

alter the established succession, and, on this account, had indisposed the king against the catholics. To appease him, the friends of the catholics recommended that the pope should open a conciliating correspondence with his majesty: "Some attention," they observed, "was due from the pope to the English catholics, who had suffered more for the authority of the Roman see, than all the other faithful of the church; some attention also was due to the king, on account of the veneration which he professed for the pope. His holiness writes to the pagan monarchs in India, to the schismatic sovereigns of Abyssinia; why should not his holiness address letters of equal kindness to his Britannic majesty? His holiness tolerates the rejection of his deposing power by the faithful in France; why should he not tolerate equally the rejection of it by the catholics of England?"

"Why should he not write to his majesty a letter to the following effect?—That his holiness by it should return him thanks for the favour, which he had shown to the catholics, and urge its continuance: that he should acknowledge his majesty to be the true and lawful sovereign of his kingdoms;—he might observe that the known alle-

V. "That his arguments have satisfied his majesty; and it is a common bruit among catholics, and divers say that they are unanswerable."

"In Mr. Preston's hand; and endorsed by Windebanck."

"No person can be surprised at the king's indignation at this work, or at his displeasure with the pope for not having condemned it."

“giance of the catholics to his majesty rendered
“their taking of the particular oath in question
“altogether unnecessary ; he might lament the in-
“discreet publications, to which it had given rise,—
“and, as a further indication of his own wishes for
“conciliation, he might suspend his own decree,
“and the decrees of his predecessor, respecting the
“oath, leaving it and all that regarded it to stand,
“as if there had been no such decree.”

“Such,” says father Leander, “are the sugges-
“tions of some of our best and most intelligent
“men : and, with all due respect, I beg leave to
“suggest the propriety of a compliance with them.
“It is not unworthy of his holiness, to conciliate
“and make advances to gain his son to him, in
“imitation of his predecessor St. Gregory the great,
“who, by kind letters and paternal soothing, in-
“duced king Ethelbert to attend to the preaching
“of St. Augustine. Neither is our king unworthy
“of this ; nor is he an heretic, though he be not
“hitherto fully instructed in some doctrines ; nor
“did he ever quit the bosom of the church ; but,
“having yet had none but protestant teachers, he
“remains in that belief, in which he was educated,
“a devout worshipper of God, according to his
“measure of knowledge.”

Father Leander proceeds to mention the appoint-
ment of a bishop : “From those,” he says, “on
“whom I can depend, I find that Dr. Smith, the
“bishop of Chalcedon, is personally obnoxious
“to the king and the state, on account of his ex-
“cessive officiousness, while he was in England ;

“on account also of some things he has done in France, which have offended his majesty. I am also informed, that it would be unsafe to send other bishops into England, with the power of external jurisdiction* ; and that it will displease the king, his ministers, and, in a particular manner, the bishops of the establishment. And why should these be offended and irritated ?

“Add to this, that the appointment would be unwelcome to a great proportion of the English catholics : for, though many lay catholics, and almost all, who are directed by the secular clergy, desire episcopal government, still the greater part of those, who are guided by the regulars, dread it, as likely to expose them to the perils and severities of the law. I know that the number of the latter, though less than that of the former, makes it imprudent to disregard them.”

In a letter, which he afterwards addressed to the pope†, father Leander deprecates the circulation in England of works, in which the authority of the see of Rome is immoderately extolled, and the opinions of some school divines upon it, raised into articles of faith ; he strenuously recommends that his holiness should prohibit, under the heaviest penalties, all future publications of that tendency.

The same spirit of wisdom and conciliation appears in a letter, which Leander addressed to cardinal Barberini‡.—After lamenting the heats and

* By external jurisdiction, Leander means the power of enforcing obedience and punishing by censures.

† Cla. State Papers, vol. i. p. 170.

‡ Ib. p. 184.

misconceptions which had taken place in respect to the oath, "Permit me," he says, "most eminent lord, my patron and my protector! to speak freely, but without offence. What have ye effected by following the counsels and opinions of those, who have recommended severe measures, and obtained, with so much exasperation of the monarch, the decrees prohibiting the oath? The monarch and his friends are in astonishment that doctrines are condemned here, which are allowed in the realm of France. What else have our nobility and leading men gained by these decrees, than its being believed, that the doctrines, on which they are founded, countenanced the wicked men engaged in the gunpowder conspiracy, and excuse their attempt to destroy the sovereign and all the nobility, inasmuch as such doctrines prohibit the condemnation of the principles, on which those men relied, to justify their attempt? I know that this cannot be justly inferred; but I also know that our countrymen make the inference. If they had seen, that the pope had published any decree which condemned both that detestable attempt, and the principles, on which it was endeavoured to be justified, they would have passed a very different judgment on that most unfortunate deed,—they would have thought that it proceeded wholly from the criminality of the persons engaged in it, and not from the doctrines of the catholic teachers. Hitherto, you have believed those advisers, who, being ignorant of the true spirit of Christ, of that spirit, by which they

“ ought to have been guided, invoked the thun-
 “ ders of excommunication, and the lightnings of
 “ these prohibitory decrees, on the kingdom of
 “ England. From these, what has followed, but
 “ that load of suffering, by which the much-endur-
 “ ing catholics have been almost quite oppressed ?
 “ Yield, at length, to those, who suggest to you,
 “ the ways of mildness, and who remark to you
 “ (as is said in the vision of Elias), that it is not
 “ in the whirlwind, nor in the storm that breaks the
 “ rocks, but in the whisper of the gentle breeze,—
 “ in the spirit of meekness, that the Lord appears.
 “ I am perfectly convinced, that mildness and con-
 “ descension are more likely to obtain from our
 “ king and the persons in power, that relief in a few
 “ months, which, for so many years, the violence of
 “ these men has been unable to force from them.”

Father Leander accompanied this letter by a full
 statement of the objections made to the oath, and of
 the answers given to them : these we shall insert
 in the Appendix *. He premises an important ob-
 servation : “ That the prohibitory briefs of Paul
 “ had been issued before James had given his ex-
 “ planation of the oath, and had therefore con-
 “ demned it, in a sense which, after those expla-
 “ nations had been given, the oath ought not to
 “ bear ; that these explanations had been adopted
 “ by Charles, and that he sanctioned a work †, in
 “ which they had been fully and clearly expressed,

* See Appendix, Note III.

† The work of Mr. Howard, the title of which we have transcribed.

“ so that it was then manifest, that, in the sense of those who propounded it, the oath was intended to profess no other, than that civil obedience and civil allegiance, which are due to his majesty, by the word of God, by the law of nature, and by the ancient laws and usages of the realm.”

He concludes by repeating his recommendation, that the popes should prohibit future publications, and suspend the operation of the damnatory briefs:—such suspensions, he observes, had been frequently issued;—not, says he, that by suspending the operation of a brief which condemns a particular practice, the practice itself is justified; but that the brief restores the concern to the condition in which it stood before the brief was issued.

The most important document in the correspondence of father Leander, is the account which he gives to cardinal Barberini of the state of the English mission*.

I. He begins it by a view of the protestant church: “ The protestant church in England retains,” he says, “ an external appearance of the ecclesiastical hierarchy, which was in force during the time of the catholic religion: it has its archbishops, bishops, deans, archdeacons, chapters of canons in the cathedrals of the ancient sees, and most ample revenues. It preserves its ancient edifices, the names of the ancient parishes, priests, and deacons; a certain form of conferring orders, which agrees, in most respects, with the forms

* *Apostolicæ missionis status in Angliâ.* Cla. State Papers, vol. i. p. 197.

“ prescribed in the Roman pontifical ; the clerical
“ habits and gowns, the pastoral crook, copes, and
“ the ancient temples, parish churches, and colleges
“ of magnificent structure : attendance in these is
“ still enjoined.—The English protestants deem
“ that, without this form of hierarchical govern-
“ ment, the church of Christ is not only obscured,
“ but that its nature and substance are taken away.
“ In England, they actually believe, that the other
“ protestant churches, spread over the continent of
“ Europe, are become schismatical, in consequence
“ of their having repudiated and rejected this most
“ ancient hierarchy.”

He proceeds to state the approach,—much nearer than is generally supposed,—of the doctrines of the church of England to those of the church of Rome. “ In the greater number of the articles of faith,” says father Leander, “ the English protestants of the established church are truly orthodox ; as on the sublime mysteries of the Trinity and Incarnation ; on the economy of the redemption of man, and on satisfaction through Christ ; on the whole, almost, of the controversy respecting predestination, grace, and freewill ; the necessity and merit of good works, and the other articles expressed in the creed of the apostles, in the Nicene and Athanasian creeds, (as these stand in the roman-catholic liturgy), and in the four first general councils. The greater part of the learned and modest members of the church of England do not look upon the tenet of the supremacy of the pope with so much abhorrence, but that they

“ would acknowledge him to be the bishop of the
“ first see, and the patriarch of all the western
“ church, if the other points in difference respect-
“ ing his authority could be settled. Add to this,
“ that the great majority of them think as we do,
“ on the real presence, on the reason and name of
“ the venerable sacrifice, and on the use of the or-
“ naments of the altars in churches, though, on the
“ manner of transubstantiation they have some diffi-
“ culties ; nor would they refuse to admit sacra-
“ mental confession, either auricular or particular.
“ In respect to the articles, in which there is a
“ difference, this, they say, lies, for the greater part,
“ either in the mode of expression, (which, beyond
“ all doubt, they should rather receive from the
“ mother-church and the established formulas of
“ sound expression, than presume to prescribe to
“ her, whose children they are,)—or, if the dif-
“ ference is in the things themselves, they say it is
“ not in the fundamental articles of faith, or in
“ points, the belief of which is necessary to salva-
“ tion ; but on questions, in which error may be
“ tolerated, and is merely venial ; that it is neither
“ an impediment in the road to salvation, nor does
“ it put the dissenter beyond the substance of the
“ covenant.”

They contend, continues Leander, that they have been treated, unworthily, by the Roman see, as heretics or schismatics ; that greater differences than theirs from the Roman church were tolerated in regard to the Greek church, by the council of Florence ; and that the importance of Great Britain

and its dependencies renders it an object of as much moment to reconcile her to the Roman see, and as much worth while to call a special council for that purpose, as it could have been, to obtain the reconciliation of the Greeks.

Of the puritans, Leander expresses himself harshly: he describes them as equally hostile to the church of Rome and the established church; and intimates, that, if they were out of the way, an arrangement between the churches of Rome and England would be much more practicable.

II. He then proceeds to describe the condition of the catholics in England. "There are," he says, "among them, more than 500 secular priests, about 250 jesuits, 100 Benedictine monks, 20 Dominicans, the same number of Carmelites, 30 Franciscans, 4 English and Scottish Capucins, and the same number of Minims."—He gives a succinct view of their foreign and English establishments, and of their principal and subordinate functionaries. "As the jesuits are the most numerous body of the regular clergy," says Leander, "and the most united, so have they the most illustrious, noble, and powerful patrons; and they have an influence over them, which the other regulars have not; as these either have not exerted themselves, or have not been able to attach their patrons to them, in the manner in which this has been done by the jesuits.

"The prelates appointed by his holiness, divided the secular clergy into certain dioceses, under six vicars-general, eighteen archdeacons, and a cer-

"tain number of rural deans. This hierarchical
 "form being established,—(but what authority
 "they had to establish it, they themselves must as-
 "ertain, as they had neither diocese, nor parish,
 "nor even any order respecting these matters, from
 "the pope,)—they used every means to enforce
 "ordinary coercive jurisdiction over all the regu-
 "lars, and all the catholic laity. From this, violent
 "contentions arose; the bishop and secular clergy
 "carrying this pretension into actual execution,
 "and obtaining the consent of several of the catho-
 "lic laity, who were ignorant of what they aimed
 "at, but were moved by the majesty of the word
 "bishop; the regulars of every order meanwhile
 "opposing them, on the ground, that they were
 "under no obligation of admitting such a juris-
 "diction, as it had not been conferred on the pre-
 "lates; and as, by the ancient laws of the kingdom,
 "the admission of it was an offence against the
 "crown, which brought their fortunes into danger.
 "But the pope endeavoured to put an end to all
 "the dispute, by the elegant brief which he ad-
 "dressed to the bishop, and the whole body of
 "missioners, in which he repressed this immode-
 "rate claim to a jurisdiction, which had not been
 "granted them. Still, the secular clergy were not
 "quieted; neither do they yet cease to urge their
 "claims; but they still earnestly solicit the Roman
 "see to appoint a prelate over them.

"This," concludes Leander, "is a general view
 "of the English mission: a thousand labourers,
 "secular and employed in it; who, for

“ the greater part, possess great learning in philosophy, in ethics, and in theology, so that, if we look for erudition and edification, scarcely any catholic kingdom can display a more splendid priesthood.”

III. Still,—for such, says Leander, is the state of every thing human,—the English mission has its blemishes. The missionaries are too numerous; not for the wants of the mission, but because the body of catholics cannot raise so large a supply of missionaries, properly qualified by learning and religious habits, as now exercise missionary duty in England. They are not sufficiently appropriated to particular places; they have not competent incomes; they interfere with one another; the contests between the seculars and the regulars, respecting the establishment of an hierarchy, have produced nearly an open schism. Here, he advocates the cause of the regulars; “ they did not,” he says, “ despise the dignity of the sacrament of confirmation, or the holiness of the episcopal order, or represent them to be useless to the church of Christ, as their adversaries, and the boldness of the Parisian divines, alleged: they only respectfully suggested to the pope, that the introduction of an ordinary bishop with officials, archdeacons, and the other appendages of an external tribunal over the laity and the regulars, must be ruinous to the catholic cause, and disturb the harmony of the missionaries:—this, they not only asserted, but proved by solid arguments, and their opposition was sanctioned, in a great measure, by the pope’s decree.”—

Leander therefore recommends, that Dr. Smith should not be permitted to return to England ; he protests against any other form of episcopacy, and suggests the restoration of the government by an archpriest.

He then proceeds to observe, that, in the disposition of money bequeathed for pious purposes, or arising from the restitution of ill-acquired property, sufficient regard was not shown to the poor. All of it, he says, goes to enrich one religious order; every other description of persons, and the poor laity in particular, are excluded from any participation of it. He recommends that a third, or at least a fourth of all such legacies, should be appropriated to the poor laity.

He notices the mischiefs arising from the discrepancy of opinion in matters of practical casuistry ; from the difference in the rituals, some observing the Roman, some the French, some the Sarum rubric : the consequence was a total absence of uniformity in the observance of fasts and festivals.

He mentions the general fierceness of the controversial writings of those times ; and recommends an undeviating observance of the language of good manners and christian moderation. All general discussions on temporal and ecclesiastical power should, he says, be absolutely prohibited.

Such is the substance of this important document. — Another curious paper* in the same collection, is intituled “ Instructions relating to the reconciliation of moderate Papists and Protestants.” It

* Cla. State Papers, vol. i. p. 107.

appears by it, that, at the time of which we are speaking, it was in contemplation to send a person to Rome, for the purpose of making a true representation to the pope of the state of catholicity in England. The document, to which we now refer, contains his proposed instructions, and was prepared by father Leander*.

* He observes in it, the necessity of its being fully explained to the pope, that, by the church of England he should understand those protestants only, who adhered to the doctrine of the English bishops, and not the puritans or other sectaries, these being considered both by the state and the prelacy of England "as factious and self-willed spirits, schismatically affected to their private opinions."—He then describes, in terms substantially the same as those used by him in the former document, the points, in which the catholic and protestant churches disagree; then notices some general observances of the catholic church, from which the pope might dispense,—as communion under both kinds, and the marriage of the priests. He suggests the continuation of the English protestant clergy,—“coming to agree in points of faith,—in their actual prelatures and benefices.”

“The third head,” says Leander, “contains those points, which involve respect to the temporalities, and civil obedience and honour depending on the state’s provision; all these,” he says, “are comprised in the oaths of supremacy and allegiance: both of them contain scruples in roman-catholic consciences, yet, if there be a true desire of peace in man, it seemeth they may be well enough reconciled.

“For, as for the oath of supremacy,—it is not now understood, as king Henry the eighth did intend;—that he alone should be supreme judge in all causes ecclesiastical, even in matters of faith, religion, and holy ceremonies; or to dispense in sacramental points, or the ancient canons of the church. for his majesty, in his constitution prefatory to the articles of religion, doth acknowledge that judgment to belong to the bishops of God’s church; and Mr. Peter

It is impossible not to admire the general spirit of good sense and moderation, which appears in

“ Alison, with other learned protestants, are of the same sentence ; blaming those writers, which do expound the title “ of the king’s supremacy otherwise. So that the supremacy “ challenged by the king’s majesty is indeed a temporal “ supremacy ; by which, not only all lay persons, but even “ ecclesiastical, in his kingdoms and dominions, are verily, “ truly, really, his liege subjects, bound to his laws or the “ penalties thereof ; and that all external coercion or constraint, by mulcts, imprisonments, or other ways of temporal “ or exterior correction, cannot be exercised, but by his “ authority, who beareth the civil sword ; nor any prelature, “ or ecclesiastical benefice or state be conferred, but according to his ordinance or consent, because of the relation “ which such places have to points of state and temporalities. “ With all which it may be said, that the privilege of ecclesiastical or clergy exemption is more exactly kept in this “ realm, than in some neighbouring catholic states. Out “ of which it seemeth very consequent, that, if his holiness “ would condescend to this point as it is above declared, “ and practised in other catholic kingdoms, his majesty and “ the state might be easier induced to admit of the pope’s “ spiritual supremacy.

“ Now, for the oath of allegiance,—it may perhaps be a “ good reconciliation, instead of the scrupulous oath penned “ in the parliament, to permit, that such an oath might be “ proposed to his majesty’s subjects, as followeth :”

Here father L. ander inserts the form of an oath,—in which all the offensive expressions contained in the oath proposed by king James are omitted.

“ He,”—(that is, the person sent on this negotiation,)— “ will also be, out of doubt, truly dealt withal about a bishop “ and bishoplike authority over the catholics of England ; in “ which he is to take directions from his majesty and the “ state, the matter being of very great consequence, either “ to hinder or farther his majesty’s pious intentions.

“ Lastly,—It seemeth very convenient that the pope and

this and in many other parts of Leander's correspondence ; but some parts of it offended the ultramontane ears. From the apologetical letters addressed by him to cardinal Barberini *, we find that he was accused of over-rating the supposed favourable disposition of the king and his ministers, towards the catholics ; of describing the condition of the catholics to be less grievous than it really was ; of placing the subjects in discussion rather in a political than a religious point of view ; of advising too liberal concessions ; of circumscribing too much the pope's spiritual power, and rejecting altogether his deposing power. His advocacy, though very guarded, of James's oath, was also objected to him : he admits, that, in the sense in which it was explained by its adversaries, and by some even of his majesty's ministers, it was indefensible ; but he contends, that the explanations given of it both by the royal propounder and the reigning sovereign, made it harmless.

“ court be dealt withal not to vex moderate catholics, by censures or disgraces, since their end is to please God and the king, and promote the union of catholic religion ; and the means employed by them are in their conscience lawful, and allowed of in other catholic states. The contrary proceeding cannot but exasperate the king and state, to see none favoured or magnified in that court, but over-timorous zealots, and none laid at by emulation more than peaceable and well-minded patriots : especially, this proceeding hindereth many learned and able men from declaring themselves for the king's lawful and laudable intentions ; who, otherwise, would reverently speak what they think to be true, to the greater good of the church, and of their country, and without any offence of true religion.”

* *Cla. State Papers*, vol. i. p. 185, 211.

His apologies did not satisfy.—“ The see of Rome,”—(father Wilford, a Benedictine monk, writes thus to Leander in a letter, which we have already cited *),—“ having stood for her rights, so many ages, in the cause of deposing princes, will be very unwilling to permit the oath, as the words lie, although glossed with another intention. Look over the oath, which usually is exhibited to catholics in Ireland; examine other forms of oaths in catholic countries; add to them, augment them, and endeavour to form them in that kind and in those words, which may secure and content his majesty, as is most just and reasonable to be done; yet take heed of meddling with deponibility of princes, for that will never pass here.” How greatly is it to be lamented that this chimerical claim of the papal see stood in the way of so many wise and promising exertions to relieve the English catholics from the dreadful persecution under which they groaned! Of so many attempts to restore, if not a communion of religious belief, at least a communion of peace and good-will between protestants and catholics!

LVI. 2.

Signor Panzani.

THE court of Rome being dissatisfied, for the reasons which have been mentioned, with father Leander, but being still desirous of ascertaining

* Cla. State Papers, vol. i.

the true causes of the contentions between the secular and regular clergy, by which catholics and protestants were equally scandalized, and of terminating them altogether, determined to send into England, for this purpose, signor Gregorio Panzani, an Italian clergyman of the congregation of the Oratorians *. He was directed to keep his mission

* The writer of these pages has been favoured with the perusal of two valuable documents, which give an account of Panzani's mission. The first is,—what we should call,—*Panzani's Report to Pope Urban the eighth of his Mission*;—in the original it is intituled, *Relazione dello Stato della Religione Catholica in Inghilterra; Data alla sanctità di N. S. Urbano VIII da Gregorio Panzani nel suo ritorno da quel Regno, l'anno 1637.*—It has not been published; a copy of it is in the possession of the writer; another is said to be in the possession of the rev. Charles Plowden of Stonyhurst. We shall afterwards see that the congregation of the Propagandà ordered a copy of it to be given to Panzani's successor in the negotiation.

The second of these documents, is generally called the *Memoirs of Signor Panzani*. They were translated from the original Italian by Dr. Witham, who was appointed vicar apostolic of the midland district of English catholics in the year 1703. The title, which it bears in the translation, is, “*The Reasons for which Urban the eighth sent Mr. Gregory Panzani to the Queen of England, and his negotiation there, translated out of the Italian, 1635, 1636.*” The translation is evidently made with great care: at the close of it, the translator inserts the following declaration,—“In this translation, I know not whether I have always hit the true sense; the writing being very hard to read; but I know I have no reason to think I have been mistaken in any material point; and sometimes, where I doubted of the sense, I put the Italian word into the margin; and some few times, could

from public observation, and, to accompany cardinal Mazarine in his return to France from Italy;

“not make out a word or two, by reason of the close writing and abbreviations.”

The first mention which the writer has found of Panzani is in “The Popes Nuntioes; or, the Negotiation of seignior Panzani, seignior Conn, &c. president, here in England, with the Queen, and treating about the alteration of religion, with the archbishop of Canterbury, and his adherents, in the years of our Lord 1634, 1635, 1636, &c. Together with a letter to a nobleman of this kingdom concerning the same. London, printed for R. B. 1634 4to.”

First comes “a letter,” (of two pages, signed *D. T.*) “from a private gentleman to a person of honour, concerning the negotiation of the nuncios, which followeth.”—The writer of it says,—“The Venetian ambassador was the author of the little story; a man, whose religion would not suffer him to favour the reformed churches, or to blast his own, with any falsehood, especially in an account to a wise state, which employed him; a man of dear acquaintance with Panzani, and although no master builder, yet a pious servant and spectator of the work: when you shall hear that the Italian copy was first translated into French for the great cardinal’s satisfaction, and I do not doubt, it hath good acquaintance in the Spanish court, and could speak that language long ago.”

Then the work follows,—it is contained in sixteen pages. The writer describes England as divided in to three factions,—“That of the puritans is the most potent; consisting of some bishops, all the gentry and commonalty: that of the protestants, is composed of the king, almost all the bishops and nobility, and besides, of both the universities: the catholics are least in number, yet make a party in the state sufficiently considerable, because the body of them is composed of such of the nobility as are most rich, powerful, and strong in alliance, and of no small number of the inferior sort.”

He mentions the controversies respecting the appointment

thence, he was to repair to England, under the assumed character of a traveller from mere motives of curiosity.

of a bishop :—he says, “ the secular clergy and all catholics adhered to him ; the regulars, and particularly the jesuits, “ opposing him.” He mentions that Panzani was sent into England in 1634, favourably received by the king, the queen, and the secretaries Windebank and Cottington :—that he suggested the appointment of a catholic bishop, “ not to exercise “ his function, but as his majesty should limit ;”—that the king required Panzani should first declare, whether the pope would allow him to take the oath of allegiance :—Panzani declined giving an answer : “ The court of England and the “ prelates, with much zeal and passion, sought to procure a “ toleration of the said oath from the pope ;—that if it were “ in the king’s power to change it, he would retrench all such “ words as seemed opposite to his holiness’s authority : but “ the same being conceived and enacted solemnly in parliament, to change it was beyond the king’s power ; yet the “ explanation appertained to his majesty, what the intentment should be ; and so by a declaration his majesty would “ clear that he intended no prejudice to the pope.”

The writer then mentions some suggestions made on each side for a reconciliation, and Panzani’s great attempts to conciliate persons in power of every rank, but without effect. “ That both the archbishop of Canterbury and bishop of “ Chichester have often said, that there are but two sorts of “ persons likely to hinder reconciliation, to wit, puritans “ among the protestants, and jesuits among catholics.”

Some mention of Panzani’s attempts to effect an amicable arrangement of the differences between the secular and regular clergy occurs in the last book of father More’s history : we shall present our readers with some extracts from it in the annotations to this chapter. The Memoirs were translated into English by Mr. Dodd ; he published some passages of his translation in the third volume of his Church History,—(vol. iii. p. 128).

The whole was published by the rev. Joseph Berington in

He arrived in London before father Leander had left it. He seems to have agreed with him in some respects, and to have disagreed with him in others. Like Leander, he thought that the dispositions of his majesty and his ministers were favourable to the object of his mission, that an intercourse between the courts was both desirable and practicable, and that it should begin by a letter from the pope to his majesty, expressing, in general terms, the respect of his holiness for the king, his esteem of the English nation, and his wishes for their prosperity, but avoiding to intimate any specific object, or make any particular proposal.

To this suggestion of Panzani, the ministers of the see of Rome immediately and positively objected. Cardinal Barberini informed him in the most precise terms of the pope's determined resolution to forbear from any such advances; it was, he tells him, the uniform custom of the holy see,

1793, and he added—"An introduction and a supplement, containing the state of the English catholic church, and the conduct of parties before and after that period to the present time."

To this work, the rev. Charles Plowden replied, by his "Remarks on a book intituled Memoirs of Gregorio Panzani, by the reverend Charles Plowden, preceded by an address to the Rev. Joseph Berington, 1794." He calls in question the authenticity of the Memoirs, but it is evident that the writer of them had under his eye the Report and copies of the letters, from which extracts are given. This is also corroborated by the documents in the Clarendon State Papers, and the publication, intituled the Pope's Nuntioes. Both Mr. Berington's introduction and supplement, and Mr. Plowden's answer to them, contain valuable information.

to expect that the first advance should be made to her. The cardinal remarks, that the pope could not, consistently with his own character, write to the king of England, without some exhortation to him, to return to the bosom of the church ; and this, he observes, might not be well received.

We have seen that Leander was unfavourable to the appointment of a bishop ; Panzani favoured it. On this point, Leander concurred with the jesuits ; but in other respects he appears to have been jealous of them. They were very far from being favourites of Panzani : accusations of them incessantly occur both in his Report and his Memoirs.

We have seen that Leander advocated, to a certain extent, James's oath of allegiance ; Panzani seems to have thought it substantially objectionable. He proposed to the cardinal, that a new profession of allegiance, should be settled and approved at Rome, then transmitted to England. To this, cardinal Barberini peremptorily objected : such an oath, he observed, would be a subject of parliamentary discussion, and it was not proper that the court of Rome should propound any document which was to be so discussed.

Here, Rome acted with her usual wisdom and penetration : she foresaw, that parliament would never sanction any oath, as a satisfactory profession of civil allegiance, unless it contained an absolute and unequivocal disclaimer of the deposing doctrine. This, the pope was determined not to sanction ; but he was aware of the importance of avoiding an explicit declaration of such a decided resolution. In

the papal dominions, the deposing doctrine was still professed ; in some catholic states it was still tolerated ; and among all the regular, and many even of the secular clergy, it was still a received opinion. It was more therefore than a feather ; but even a feather, which adorns a royal bird, hath in his eyes both a charm and a value.

The mention of the oath was so unpleasant, as to draw on Panzani a severe reproof from the cardinal. He was ordered to abstain from all discussions of public topics, and to confine himself to the pacification of the dissensions between the secular and regular clergy respecting the appointment of a bishop :—but still to discover, if possible, his majesty's sentiments on that point, and his general views concerning the catholics.—The result of Panzani's mission, in these respects, we shall give in his own words, from his Report.

“ The catholics of England amount to one hundred and fifty thousand ; among whom are some
“ noblemen, many gentry, and many of inferior
“ condition, of whom not a few have great riches.
“ But, in regard to the public good, among these
“ is a great difference : some are catholics only to
“ themselves, contriving so outwardly to live, as not
“ to be known to be such : whence it follows, that
“ other catholics derive no advantage from them.
“ Some of the first nobility are in this number ;
“ who, living in greater fear, and anxious to pre-
“ serve the favour of his majesty, if they keep a
“ priest in their house, do it with such secrecy,
“ that neither their children, much less their ser-

“vants, shall know it. From them, the neighbour-
“ing catholics have no means of hearing mass, or
“going to the sacraments. On the other hand,
“many of the three orders I have mentioned, either
“because they have more zeal, or, from some cause,
“being more bold, and openly professing their
“religion, give opportunity, some more, some less,
“to their neighbours to practise their duty. With-
“out this help, the poorer class, severely oppressed
“and fearful of the laws, would experience the
“greatest difficulties ; there not being in the coun-
“try a single priest, really obliged to administer
“the rites of the church.

“Besides the above, there are others, who, though
“cordially enemies to heresy and schism, yet ap-
“prehensive of losing their property or their places,
“and to advance themselves at court, live in appear-
“ance as protestants, frequenting their churches,
“taking the oaths of supremacy and allegiance, and
“occasionally speaking against catholics : yet, in
“their hearts, they are catholics, and some of them,
“that they may not be without help, if necessary, keep
“in their houses one or more priests. Such men, by
“the better catholics, are called schismatics : and
“among them, I include some of the first protestant
“nobility, secular and ecclesiastical, and many of
“every other rank. While I was in London, almost
“all of the principal nobility who died, although
“generally reputed protestants, died catholics ;
“whence, with great probability, some infer, that
“the English are generally aware of their bad
“state ; and therefore, to secure their salvation,

“ die catholics. Yet heaven has, sometimes, shown
“ fearful signs of indignation against these persons,
“ who knowing the truth, through fear do not em-
“ brace it. They have had, I observed, priests in
“ their house, yet, when these were called for at the
“ hour of death, by a just judgment of God, they
“ could not be found.

“ English protestants are divided into two prin-
“ cipal sects, puritans, and protestants properly so
“ called. The king and the major part of his court
“ are protestants, as likewise all the bishops, those
“ of Durham, Salisbury, Rochester, and Oxford ex-
“ cepted. The puritans among the people are most
“ numerous : they are most bold, most furious, and
“ most insolent ; enemies of protestants and catho-
“ lics ; and these the protestants, being more mo-
“ derate, hate perhaps more than they do the catho-
“ lics. It is certain, to humble the puritans, that
“ some protestants have expressed a wish to form
“ some union with the catholics. Among them, as
“ some are more, and some less, moderate, so are
“ there some, who, among the catholics, esteem those
“ most, who show most moderation, and who are
“ satisfied, as they express it, with what is becoming.
“ A signal change, in this city, is daily visible ; as
“ may be collected, not only from the books, which
“ are now published, compared with those of former
“ times, but also from common discourse and general
“ intercourse. Sometimes, in public sermons, be-
“ fore the king and the court, the schism with Rome
“ is condemned ; catholics of modest conduct praised ;
“ the prince is exhorted to show clemency ; to ap-

“proach nearer to catholic belief. The practice of
“auricular confession is praised ; respect is shown
“to the name of Jesus, to the sign of the cross, and
“to churches. Images are well spoken of, and the
“altars for catholic worship. The Roman bishop
“comes in for his share of praise, and the Roman
“church. This they acknowledge to be the first
“and most noble church, and her bishop the pa-
“triarch of the west, to whom, as such, they refuse
“not submission. They bear to hear of a re-union,
“but wish to see in us a sincere purpose to do,
“whatever can be reasonably done, in condescension
“to their weakness. Of this I always assure them.
“Under God, I ascribe this change to your holiness,
“who was pleased to grant the dispensation. The
“queen, on her arrival into England, as was stipu-
“lated by you, opened, beside her private chapel, a
“public one, where, first by the fathers of the ora-
“tory, then by the capucins in their habits, the
“divine office and mass were celebrated with great
“edification, and the sacraments administered. On
“the greater festivals, she and her court attend,
“when the service is accompanied by music. The
“effect is more than credible, which is caused by
“the sight of the chapel, the ornaments of the altar,
“and the ceremonies performed with great exact-
“ness : add to which, the sermons preached by the
“chaplains, and sometimes by the almoner, the
“bishop of Angoulême.

“Hence, as a certain aversion to our rites is taken
“away, so do many protestants, viewing our altars
“and ceremonies, begin to lament, while the catho-

“ lics, being less in fear, daily advance with more
“ vigour.

“ Much assistance also has been, and is, continu-
“ ally derived from the chapels of the ambassadors
“ and other envoys, in which masses are said, the
“ sacraments administered, and sermons preached.
“ They are, as it were, the asylums of the catholics.
“ In them, music often accompanies the service ;
“ and in the holy week, sepulchres, richly orna-
“ mented, draw to them protestants, who are some-
“ times thereby converted.

“ At this time, under the auspices of your holi-
“ ness, Mr. George Conn makes a great display in
“ his chapel, and edifies much, as was expressly
“ stipulated, when I settled the reciprocal mission
“ of agents.

“ In London are many other chapels, and some
“ in the country in the houses of catholics, to which,
“ as I said, but not so publicly, the neighbouring
“ catholics resort.

“ Looking to more quiet and free times, the
“ catholics thus live ; for although, while I was in
“ London, every one acknowledged, how much
“ their condition was improved, and that easier days
“ had never been, still the severe penal laws that
“ have passed against them, of which I can give a
“ separate account, are in force, and cannot they say,
“ be repealed, but by parliament. The king in his
“ clemency refrains from sanguinary punishments,
“ and from many pecuniary fines ; there being laws
“ which compel the catholics to go to church under
“ pain of losing two-thirds of their property. This

“ he does not rigorously exact, although, sometimes,
“ being himself in want of money, he is satisfied
“ with one-third. He gives, besides, a paper under
“ the great seal, by which the catholics are exempted
“ from going to the churches, and from many other
“ penal enactments. These papers or patents are
“ called compositions.

“ Two things, however, weigh heavy on the
“ catholics: the pursuivants and the oaths. The
“ pursuivants have orders to seize the catholics:
“ they enter their houses in search of priests or
“ sacred vessels; and such perquisitions are often
“ made, with great severity and unfeelingness.
“ While I was in London, this evil was not much
“ felt: I even received many favours in regard to
“ some priests. But, while the laws are in force,
“ the pursuivants, at any moment, may be ordered
“ to do their work. Often the catholics are alarmed
“ by false reports, that the pursuivants have received
“ such orders. I therefore determined to obtain
“ some mitigation of this evil, by a general order
“ from the king, and, on an application to the
“ queen, his majesty put the business into the hands
“ of some of his councils, to whom, greatly assisted
“ by a jesuit, I gave many proofs of the insolence
“ of the pursuivants. I was at this time recalled
“ by your holiness, when I left the concern in the
“ hands of Mr. Conn.

“ *Of the two oaths, from which the catholics must
“ abstain, that of supremacy acknowledges the king
“ to be the head of the English church; and this, he
“ admits, they cannot take.—The other, that of alle-*

“ giance, formed at the time of the gunpowder plot,
“ expressly contains, that your holiness cannot, in
“ any case, absolve subjects from their allegiance
“ to their princes, and that the contrary opinion is
“ heretical. This oath is very grievous, because
“ the king cannot be convinced that the catholics
“ may refuse it; whence, if it be tendered and not
“ taken, its effect is worse than excommunication,
“ and falls heavily on the person. Indeed, here
“ also, the king acts gently; and during my stay,
“ it was offered to few. I was given to understand,
“ by some of the chief ministers, that they were
“ disposed to alter the oath, by expunging what
“ your holiness disapproved; but, to avoid the
“ dangers that presented themselves to your wis-
“ dom, I was not permitted to accede to and discuss
“ the proposal. Moreover, understanding that a
“ work was intended to be published, in favour of
“ the oath, against one written by one Courtenay;
“ and that, if this were done, some other catholic
“ would reply, I prevailed on the queen to suggest
“ this to his majesty. I pressed the same on the
“ ministers; and the intention of publishing was
“ dropt.

“ In regard to this oath, I found that opinions
“ were divided. Some positively declare, that it
“ may be taken, with whom are father Preston,
“ other Benedictines, some other regulars, with
“ some of the seculars, their adherents: others are
“ of opinion, that it may be taken with the de-
“ claration, which is said to have been made by
“ the king, that civil allegiance alone was demanded

“ by the oath : of which opinion are some regu-
“ lars and seculars : but the major part of the body
“ stands firm, declaring that they neither can nor
“ will take it.

“ Missionaries are not appointed ;—but each
“ one settles himself where he finds it most con-
“ venient. He goes not to a town or other place,
“ because he is wanted, but because some catholic
“ has offered him a residence in his house. When
“ this is not the case, rarely will one stir. So, in
“ the county of Derby are one hundred and forty
“ poor catholics left without assistance. With many
“ I have often deplored this evil, and in particular
“ with the then provincial of the jesuits, suggesting
“ whether it would not be better to form (*dividire*)
“ parishes, as they had done in Japan, obliging the
“ incumbents *ex justitia* to administer the sacra-
“ ments to their parishioners, but leaving the latter
“ the liberty of choice on the point of directors.
“ This proposal was approved by many ; the diffi-
“ culty only was to find a person who would take
“ the charge.

“ The missionaries are chiefly in the houses of
“ the laity, generally one for each house ; others
“ are more at liberty, and live with great display.
“ The excuse is, that their patrons will have it so,
“ and that it is necessary to disguise their profes-
“ sion. Every one has his own stock of money,
“ generally speaking, secular and regular, which
“ they spend as they please ; the jesuits excepted,
“ who take all to their superior. Liberty is unre-
“ strained ; for, in fact, each one's reason is his

“ sole guide. So is it also with the regulars ; for
“ they have no convents nor monastic observances,
“ no fasts, no penitences, no hair-shirts, no *socii*.
“ They go and do, where, and what they like.
“ Rules and commands of their superiors are at
“ their own discretion. The jesuits again must be
“ excepted, who very strictly observe their rules,
“ and live generally with great decorum. The
“ missionaries enjoy many conveniences in the
“ houses of their patrons ; and being the directors
“ of the masters and servants, and admitted to all
“ the secrets of the mind, any one may judge what
“ ascendancy they acquire.

“ With respect to the controversy, which was the
“ principal object of my mission, that is, whether
“ a bishop should be appointed or not ; for myself
“ I have understood, that the major part are de-
“ sirous of a bishop, as well for the honour and
“ tranquillity of their church, and the administra-
“ tion of confirmation, as to see their religion freed
“ from all abuses. In this number, are many of
“ the first nobility, and some in wealthy and easy
“ circumstances, who offer him their houses, and
“ to be security for his appearance, whenever he
“ may be called for.

“ There are numbers of other catholics in favour
“ of the bishop, who, though not of the first rank,
“ are not less serviceable to their religion, and
“ whose conduct is generally more guarded. Nor
“ indeed, some regulars and their partial followers
“ excepted, can it be said that the bishop is really
“ opposed ; for the greater part of those, who ex-

“ press opposition, are found, when the point is
“ strictly canvassed, to condemn the assumption of
“ an immoderate authority ; and having conceived
“ that this was assumed or aimed at, they sided
“ with his enemies ; still, when the truth was made
“ known to them, they, as did earl Rivers, with-
“ drew their opposition.

“ But, however limited the bishop’s jurisdiction
“ may be, many of the regulars, from the injury
“ they conceive it would cause to their interests and
“ their dignity, and from the shame which would
“ redound from their discomfiture in the dispute,
“ ould persevere in their resistance. Such is the
“ state of the controversy ; to decide and assuage
“ which, two measures have been proposed by the
“ parties.

“ The opposition proposes, that a superior be
“ given to the secular clergy, with the name of
“ archpriest, as was done before, or with some
“ other similar appellation ; and their reasons are,
“ the controversy having originated with the bishop,
“ who pretended to erect a tribunal, and to make
“ his visitations among the laity, as also to approve
“ the faculties of the regulars,—no means so ob-
“ vious can be found to terminate it, as to eradi-
“ cate the cause and suppress the episcopal power ;
“ and to grant to the archpriest, or the superior of
“ the seculars, no jurisdiction over the regulars nor
“ laity. A limited episcopal authority would not
“ effect this ; because, they add, the dignity itself
“ of the station would make daily advances, or at
“ least would keep the regulars in constant fear.

“ They would never then be at rest, till they had
“ gained their point, whereas an archpriest, from
“ the character of his office, could have no such
“ pretensions. Besides, the presence of a bishop
“ would give jealousy to government and to the
“ protestant prelacy ; whence the most cruel per-
“ secution might arise.

“ The clergy, on the other hand, and their
“ adherents, urgently demand a bishop, and deem
“ the demand so just, as to bear impatiently the re-
“ fusal. Christ, they say, ordained that his church
“ should be so governed ; and such, throughout the
“ world, is its government. They see no reason
“ why Japan, and India, and Ireland, should have
“ their bishops more than England, which has
“ ever been the fruitful mother of saints. What
“ has been the crime, for which she is thus pu-
“ nished ? It cannot be her humble devotedness
“ to the Roman court, and to its head, in defence
“ of which no nation has more freely shed its blood.
“ To this they add, that the greater number is in
“ favour of the bishop, even if their quality be
“ considered ; at whose head is the queen, the
“ marquis of Winchester, the first catholic noble-
“ man of the realm. They count an equal number
“ of earls, and of the succeeding orders ; and then
“ contend, in this conflict of opinions, that her
“ majesty and the earl of Winchester should turn
“ the scale in their favour. After all, they say, as
“ the point in dispute is spiritual and ecclesiastical,
“ no arguments drawn from the condition of men
“ should prevail ; since all souls are equal, for whose

“ advantage this pastor is desired. Indeed, the
“ spiritual wants of the poor are the most pressing.
“ These also know, that the opposition to the
“ bishop arises from a mistaken notion entertained
“ by them, or from some fear of merited correction : but such accusations, erroneous and unjust,
“ should be disregarded.

“ The clamour of the regulars, they still add,
“ arising from notions, by no means creditable,
“ to say the least of them, should rather be censured than complied with. They then repeat,
“ what has been said of the inadequacy of an archpriest to govern a flock of such a wide extension ;
“ of his office’s not being conformable with the government established by Christ, and followed in
“ all churches ; that he would not be respected
“ nor obeyed as would a bishop ; and that the catholics could never patiently bear the indignity
“ offered to them. To allege the practice of some late years could be of no weight ; because this
“ would merely be to renew the injury then caused
“ by men, who, by deceitful means, procured the
“ appointment of an archpriest, contrary to the
“ wishes of the catholics. And now, disorders are
“ so much multiplied, as not to be remedied even
“ by one bishop, much less by an archpriest.

“ A sincere catholic would not refuse obedience
“ to his bishop ; and, as to tyrannical usurpation,
“ a gentleman to whom I once stated the objection,
“ replied,—can it be believed, that your holiness,
“ guided by the holy spirit, would send into the
“ country a bishop, who, instead of guarding the
“ flock, would ruin it by his extravagances ?

“ Nor would the regulars, under a bishop, be
“ here in a worse condition, than in the rest of
“ christendom; but, all motives of exemptions ceas-
“ ing, and living as they now do, at a distance from
“ the control of monastic superiors, surely, it could
“ not be thought unreasonable, that the bishop
“ should enjoy some superintendence. However,
“ this arrangement they wholly leave to the will of
“ your holiness.

“ And what grounds for any fear of persecution ?
“ If the present bishop was molested, it was, they
“ say, at the instigation of some catholics; of which,
“ the proof is, that Dr. Bishop, to his death, was
“ not disturbed, nor his successor for some years.
“ Their reasoning is fallacious : they would have a
“ superior, but he must not be a bishop for fear of
“ persecution, while both must derive their autho-
“ rity from your holiness; and both, from this cause,
“ must equally give rise to jealousy. An archpriest,
“ with his delegated power, may enter the country,
“ but not a bishop. Either, therefore, there is some
“ secret, perhaps not very edifying, at the bottom,
“ or their reasoning is not conclusive.

“ Such is the substance of the arguments urged
“ by the friends to episcopacy ; and they conclude
“ by declaring, that to remedy all the evils they
“ have enumerated, the presence of a bishop is
“ necessary, but that one will not suffice. Some,
“ according to the divisions of the country, propose
“ three.

“ The jurisdiction of the bishop, they remark,
“ should be as simple as possible, as well, because
“ he would be more respected and more feared, as

“ likewise, because the distance from Rome being
“ great, recourse cannot easily be had for such
“ dispensations and licenses, as daily occur.—
“ The state of religion in the country, moreover,
“ impedes this application: and, although the juris-
“ diction should be thus unrestricted, the bishop
“ might be admonished to use it discreetly, as
“ complaints being made to Rome, it might be
“ restrained or perhaps annulled.”

Panzani suggests some particular regulations ;
then proceeds as follows :

“ The queen has ever shown herself to me most
“ anxious for the bishop, lamenting, at her arrival
“ in the country, that he * was gone without leav-
“ ing a successor, which she deemed a dishonour.
“ However, being singularly discreet and moderate,
“ she wished me to learn the sentiments of the ca-
“ tholics, before she expressed her own. In the
“ mean time, I understood, that one of the princi-
“ pal ministers wished to speak with me; where-
“ fore, having conferred with her majesty, I, with
“ her permission, went to him, and candidly stated
“ the design of my commission from your holiness,
“ which was, I said, to compliment the queen; and
“ as the occasion offered, to inform myself of the
“ controversy among the catholics concerning the
“ bishop. He listened with pleasure; spoke with
“ much respect of your holiness; and, when I in-
“ timated, that an attempt had been made to alarm
“ me, he assured me there were no grounds for
“ fear, and that I might safely remain so long as

* Dr. Smith.

“ it should be agreeable to me. This assurance
“ he has often repeated to me, confirming it by
“ much respect and many favours. The same I
“ have universally experienced from catholics and
“ protestants, which I can ascribe to the high opi-
“ nion here entertained of your holiness’s admini-
“ stration, and to the many kindnesses shown to
“ Englishmen by his eminence cardinal Barberini.
“ Of this I could cite more instances, than I wish
“ to communicate in writing. As to the bishop,
“ though I said not what the intention of your
“ holiness was, nor did I ask his assent, as he knew
“ from this what my commission was, he showed
“ some jealousy ; but gave no positive refusal. I
“ assured him, that, whatever determination should
“ be taken, a prudent and wise man would be
“ chosen, and such power entrusted to him, as
“ would excite no suspicion in the protestant bishops.
“ On this, he promised me his assistance; though
“ the affair, he said, was encompassed by many
“ difficulties.

“ Having made many inquiries about this con-
“ troversy, I retired to the queen ; who observed,
“ on my stating the whole, that she would with-
“ hold her own opinion, till she had spoken to the
“ king. At my next visit, she assured me, that
“ her wishes were ever for the bishop, but that the
“ king was against it ; and, therefore she must bear
“ the mortification, and for the present, be content.
“ A few days after this, a gentleman waited on me
“ to say, that the same minister wished to see me,
“ and that I should express to him my desire of

“ speaking to the king. Though I was aware that
 “ this had been concerted, I noticed it not; and,
 “ with the leave of her majesty, I went to the mi-
 “ nister, to whom I meant to report the words
 “ of the queen. I told him, therefore, which was
 “ true, that she had assured me the king was pleased
 “ with my conduct; that thus I felt myself daily
 “ more obliged to testify all respect to his majesty.
 “ Now I requested he would introduce me to the
 “ king; and I added, that one thing had given me
 “ some pain, which was, that in case your holiness
 “ should be disposed to grant a bishop, it appeared
 “ that the king would refuse his consent. I put him
 “ in mind of what had before passed between us,
 “ and of his promise to assist me if required. He
 “ repeated his promise, should the king convert.
 “ Afterwards I was admitted to his majesty; but
 “ I touched not on this subject of the bishop, as I
 “ wrote to cardinal Barberini.

“ Things were in this state, when some irrita-
 “ tion was excited, by my informing them, that the
 “ work, *Deus, Natura, Gratia*, by father Francis
 “ à Sanctâ Clarâ, had been prohibited at Rome *.

* “ A notion had obtained among some people, that king
 “ Charles, in imitation of his father, had a design to unite
 “ the two churches; and for that purpose, was willing to try
 “ how far the moderate men of both parties would venture
 “ to condescend. Father Davenport,”—(called, in religion,
 “ Franciscus à Sanctâ Clarâ),—“ seemed to have had something
 “ like this in his head, when he published a book intituled
 “ *Deus, Natura, Gratia*; with an appendix, containing an
 “ exposition of the thirty-nine articles in the most favourable
 “ sense. This performance was far from pleasing either party.

“ The minister on this told me, that he had promised indeed to give me his assistance on every point, but that now finding, that no regard at Rome was paid to the king, who had been pleased with the book, he should no more concern himself. Being thus on bad terms, I endeavoured, as I more fully expressed it, to show, by various arguments, the vigilant solicitude, which your holiness ought, and does feel on the subject of similar publications ; and that you could have had no reason to conjecture, that the work was pleasing to his majesty, although its object was to defend and explain, in a favourable sense, the articles of the protestant faith. I knew, I added, that works were sometimes prohibited at Rome, the contents of which were most favourable to the holy see, it not being deemed proper, that every one should write as he pleased, upon all subjects, however good ; and that your holiness, not being apprised of the king’s taste, could not, on the occasion, have acted with particular reserve. I said so much, availing myself of every means, as well with the minister as with the queen, that he relented ; and so the point of the reciprocal agency, which was gratifying to your holiness, was settled by me : he expressed much satisfaction.

“ Several catholics exclaimed against it, and found means to have it put into the Index Expurgatorius, and would have had it condemned at Rome, had not the king and archbishop Laud pressed Panzani, the pope’s agent in London, to put a stop to the prosecution.” *Dodd’s Church Hist.* vol. iii. p. 103.—Father Leander notices the displeasure of the king at the condemnation of Davenport’s book.

“ The subject of the bishop, however, was no more
“ expressly mentioned : indeed, by the order of his
“ eminence, I purposely avoided it, lest the king
“ should give a direct negative, and your holiness
“ should be pledged to any measure.

“ The bishop *, at this time, had written to the
“ archbishop of Canterbury, (Laud), concerning
“ his return, or the admission of his successor, in-
“ dicating some terms of a reduced and limited
“ authority. His grace replied to the French am-
“ bassador, that he respected the bishop much ;
“ that he had mentioned these terms to his majesty ;
“ and that he should be even ready to give his
“ assistance.

“ But should it never be possible to procure a
“ bishop, the appointment of a superior at least
“ seems absolutely necessary ; and, as the name of
“ archpriest is detested by the secular clergy, they
“ desire the confirmation of the chapter and its dig-
“ nity ; and that some of the vicars and apostolic
“ visitors be deputed with the most ample powers,
“ who, in the absence of the bishop, may superintend
“ and govern the catholics and the clergy. Should
“ this measure be resolved on, the bull may express
“ that no authority is thereby granted to the chapter,
“ to elect or nominate a bishop.

“ Such is the information, regarding the state of
“ the English mission, which I have been able to
“ collect, and now lay before your holiness, humbly
“ entreating that my insufficiency may find excuse.
“ My request moreover, is, that all that has been

• *i. e.* Dr. Smith.

“ said by me, should be deemed said in the name
“ of those who urged it; and whatever there may
“ be from myself, that I submit to the judgment
“ and correction not only of your holiness but of
“ every man better informed than myself.”

Here Panzani closes his report: we shall now show how he proceeded in the principal article of his commission,—the pacification of the clergy and regulars. He took great pains to effect it; and after frequent meetings and consultations, an agreement between them was concluded. We shall transcribe it from his Memoirs, and also transcribe the account, which the writer of them gives of the circumstances which attended its signature.

“ *The instrument of Peace or Conduct between*
“ *the Secular Clergy and the Regulars**.

“ Because the common good of religion ought
“ principally to be regarded by those, who labour
“ in the Lord's vineyard, and that good may be
“ promoted with most ease and success, when the
“ labourers are united by one common principle;
“ therefore, under the direction of the Holy Spirit,
“ as we presume to hope, the secular clergy of
“ England, on the one side, with the fathers Bene-
“ dictines, Franciscans, Dominicans, and Carme-
“ lites, on the other, have resolved to settle a form
“ of union amongst themselves, adapted to this end,
“ leaving their respective rights and privileges un-
“ touched. And that nothing may obstruct the
“ progress of this desirable concern, it is first re-

* Dodd, p. 133.

" solved, that all former feuds and differences be
 " now closed; and the parties mutually promise
 " to bury their animosities, and to abstain from all
 " recrimination. Wherefore, on this present day,
 " the 17th of November, an. 1635, being met in
 " London, on behalf and in the name of the r. r.
 " bishop of Chalcedon and of the secular clergy,
 " the underwritten *N. N. N.*—and on behalf and
 " in the name of the fathers Benedictines, &c. the
 " underwritten *N. N. N.*—approved the follow-
 " ing form of union, intended to endure till the Lord
 " shall restore to these kingdoms the free practice
 " of the roman-catholic religion*.

" The parties mutually promise, that they will
 " unanimously attend to the common concerns of
 " religion, and will aid one another, as often as it
 " may be wanted; nor will they, as far as depends

* A Latin translation of this instrument is inserted by
 More, lib. x. s. 15. It bears date the 17th November 1635.—

" Hoc igitur est quod die decimo septimo mensis Novembris
 " 1635, Londini convenientes,

" Pro parte et nomine reverendissimi episcopi Calcedoni-
 " ensis et cleri secularis admodum R. R. D. D. D. Fisherus,
 " D. Joannes Southcott, et D. Thomas Vitus;

" Et pro parte et nomine P. P. Benedictinorum, R. admo-
 " dum P. Leander de Sancto Martino, R. admodum P. Bene-
 " dictus de Sancto Facundo, et R. P. Paulinus Greenwood;

" Et pro parte et nomine P. P. Dominicanorum, R. ad-
 " modum P. frater Thomas de Mediâ Villâ, et R. admodum
 " P. frater Ludovicus de Sancto Ildefonso;

" Et pro parte et nomine P. P. Franciscanorum, R. admo-
 " dum P. frater Egidius de Sancto Ambrosio, et R. admodum
 " P. frater Franciscus de S. Clarâ;

" Et pro parte et nomine Carmelitanorum, R. admodum
 " P. F."

“ on themselves, suffer his holiness to be imposed
“ on by false representations, or the honour and
“ government of his majesty to be disturbed. To
“ this end, it is, therefore, resolved, that, at least
“ every quarter, and as often besides as may be
“ occasion, deputies from both sides shall meet for
“ the purpose of deliberation. But, as his holiness
“ has deputed hither the rev. Gregory Panzani, it
“ is our desire that he be requested to meet our
“ deputies, in order that our reconciliation be made
“ more firm and solemn. And if the members of
“ other orders be disposed to join our union, we
“ admit them to it*.

“ The deputies then signed three copies of this
“ instrument, one to be delivered to the clergy, a
“ second to the above regulars, and a third to
“ Panzani, that he might make a report of it to
“ Rome.

“ When the parties concerned were met to sign
“ the articles of agreement, one father Roberts, a
“ jesuit, desired to be admitted. His business was
“ to expostulate with them, why Panzani was called
“ to the assembly? He was answered, that Panzani
“ was not present at their conferences, but was in
“ a room near at hand, that he might be ready to
“ confirm the agreement, and congratulate with
“ them on the happy conclusion of their differences.
“ He was assured, moreover, how agreeable it would
“ be to them all, if he or any other, in the name of

* A Latin translation also of this instrument is inserted in More's History; it appears to have been dated on the same day, and to have been signed by the same persons.

“ the jesuits, would appear and subscribe, as the
“ other deputies did, adding, that there was a
“ blank left in the writing for that purpose. Father
“ Roberts was far from being satisfied, though they
“ acquainted him with every particular. He even
“ opposed the meeting, representing it as a con-
“ spiracy against their society.—Panzani having
“ notice that father Roberts was present, took some
“ pains to set him right, assuring him, almost with
“ tears in his eyes, that the only object of their
“ meeting was peace and harmony ; and he hoped
“ the jesuits would not stand off, but convince the
“ world, by signing the articles of agreement, that
“ they were studious of peace, and had an equal
“ regard with others for the good of the mission.
“ The deputies also earnestly begged for their com-
“ pliance ; but to no purpose. Roberts would not
“ depart a tittle from his resolution, though he
“ seemed willing that the result of the conference
“ should be communicated to his order.

“ Panzani, on the first meeting of the deputies,
“ demurred whether he should appear amongst
“ them, lest his presence might seem to favour the
“ bishop of Chalcedon’s pretensions, whose case
“ was not yet decided at Rome. But, being as-
“ sured that the bishop’s name was no otherwise
“ mentioned, than as he was an eminent member
“ of the clergy body, he hesitated no longer. Soon
“ after this, Panzani made it his business to find
“ out Richard Blond*, provincial of the jesuits,

* He was educated at Rheims, and afterwards at Rome ;
in this city he was ordained priest ; he was afterwards sent into

“ whom he pressed very hard to join the other
 “ orders *. But he declined it, which so irritated
 “ the deputies, that they advised Panzani to im-
 “ portune him no longer, for that it made him put
 “ too great a value on his concurrence.

“ The sectaries, understanding the agreement
 “ amongst the missionaries was not likely to be
 “ universal, felt a sensible trouble, as did all others
 “ who were favourers of the projects then on foot.

“ Blond, perceiving that his standing off dis-
 “ pleased the generality of the catholics, conde-
 “ scended so far, as to sign a letter which gave an
 “ assurance of maintaining a friendly correspond-
 “ ence with the other missioners: but as to the
 “ articles of agreement, he said, they were liable

the English mission, and entered into the society of Jesua. He was greatly esteemed by his order, and raised to the rank of vice-provincial. He organized the missionaries of his order, by distributing them into precincts, and assigning a superior to each. In 1620, there were 19 of his order in the London, 8 in the Suffolk, 8 in the Hampshire, 10 in the Staffordshire, 12 in the Lancashire, 12 in the Leicestershire, 6 in the Lincolnshire, 7 in the Yorkshire, 11 in the Northamptonshire, 5 in the Worcestershire, and 11 in the Welch precinct.—More gives an edifying account of his virtues and missionary labours; calls him, “ next after Persons, the column of the
 “ English mission and province,” and inserts at length the instructions, which he left as a legacy,—and it certainly was a valuable legacy,—to the actual and future members of his order. (Hist. lib. x.) The propriety of the conduct of father Blond in the transactions mentioned in the text is one of the numerous subjects of controversy between the gentleman, who edited the Memoirs of Panzani, and the gentleman, who answered him.

* Dodd, vol. iii. p. 134.

“ to several exceptions. The letter *, by his order,
 “ was communicated to the deputies ; and they, in

* A Latin translation of it is also given by More, (*Hist. lib. x. s. 16.*)—Blond solemnly asserts in it, that “ he was not invited
 “ by any one to the meeting ; nor heard any thing from any
 “ one, that the presence of himself or of any one on his behalf
 “ would be acceptable ; that he knew nothing of the time or
 “ place of the meeting, or of the persons, who were to attend
 “ it, till after it had taken place.”

“ But having, afterwards, heard all this from another quarter, I profess,” says the good father, “ in the name of myself and of all the associates committed to my care, that we
 “ most willingly embrace this peace, so far as it regards the
 “ common good of the catholic religion, and the mutual charity of the labourers in the vineyard. We also promise,
 “ that we will all exert our endeavours, that,—(to use the
 “ words of the instrument),—the supreme pontiff, should not
 “ be deceived by false information, or the smallest injury
 “ done to the honour of his most serene majesty, the queen,
 “ or the state.”

This letter is dated the 23d of November ; on the 28th of the same month, father Blond addressed one to Panzani ; (*More, lib. x. s. 17.*), in which he expresses to Panzani some surprise that so solemn an instrument should have been signed ; on such subjects, as promoting the public good, cherishing charity, not deceiving the pontiff, not injuring the honour of the king,—facts, of which, he says, there never had been any question.—He embraces the peace, that he may not appear to reject it : but he objects to the proposed meetings in every three months, as inconvenient ;—and desires it to be understood, that by his assent to the instrument, he neither admitted nor denied the authority of Dr. Smith, but left the question, as it then was, in the hands of the pope.

By a letter of the same day, (*More, Hist. l. x. s. 17.*), Panzani sent Blond an exact transcript of the articles which had been signed, and accompanied them, with the copy of an instrument, which, he says, had been reduced to writing, and agreed to, but not signed : it is thus expressed :—

“ return, sent him a copy of their agreement, and,
 “ at the same time, desired he would meet them,

“ The deputies of the religious orders promise, that they
 “ will not, by themselves or their brethren, directly or indi-
 “ rectly, from this time, oppose themselves to the establish-
 “ ment of episcopal authority in England ; or impede the
 “ bishop or bishops there established or to be established, to
 “ enjoy and exercise freely and quietly all the rights, privileges,
 “ and faculties granted by the apostolic see.

“ The deputies of the secular clergy promise, that they
 “ will not, either by themselves or the bishops established or
 “ to be established in England, directly or indirectly impede
 “ the before-mentioned religious from peaceably and quietly
 “ enjoying or exercising all the rights, privileges, and faculties
 “ granted to them by the apostolic see, under their superiors,
 “ as theretofore.

“ It is also promised on each side, that, as soon as the
 “ secular clergy shall have an immediate superior residing in
 “ England, a treaty shall be entered upon, respecting the more
 “ special conditions of the union and concord.”

By his answer, dated the 4th of the following December, Blond acknowledges the receipt of Panzani's letter ; refers to the bull, *Britannia*, of pope Urban the eighth, which has been mentioned ; speaks in its praise, and observes that it would be better to acquiesce in it, and in any future regulations of the holy see, than to enter on new discussions. — “ On the articles themselves,” he says, “ I shall express myself in a few words. We have not as yet, and shall not hereafter, do any thing against them. Not one of us has ever opposed himself to the establishment of episcopal authority in England. But being questioned by those, who had that right, we have given our opinion ; or being compelled by necessity, we have written that, which appeared to us necessary to preserve entire the dignity of the apostolic see. Nor have we heretofore impeded, nor shall we impede the bishop of Chalcedon, or any other person, in the free exercise of any authority committed to him by the apostolic see.

“ In the second article, the seculars promise to permit the

“ in order to remove the difficulties he apprehended.
“ —Panzani, meanwhile, renewed his protestations
“ of impartiality, declaring that his only view was
“ a lasting peace amongst them. He assured the
“ jesuits, they had nothing to fear from the bishop
“ of Chalcedon’s being named with the rest; and
“ that the other orders, equally jealous of their
“ respective privileges, made no account of it.—
“ Father Blond replied in a second letter, full of
“ caution and reserve, viz. That his holiness hav-
“ ing already, by a brief, beginning *Britannia*,
“ dated May 9th 1631, given express orders, that
“ all controversies between the clergy and regulars
“ should be suppressed and silenced, it was more
“ advisable to stick to the letter of those orders,
“ and to submit to them, than, by meetings and
“ proposing articles of agreement, to raise grounds
“ for new disputes. He therefore judged it in-
“ convenient to enter upon any new projects,
“ whence difficulties would certainly arise.”

“ regulars in their turns to enjoy their faculties: this is right,
“ and conformable to the intention and order of the apostolic
“ see, contained in the brief which has been mentioned.”

The further treaty suggested by the seculars, on the event of their having an immediate superior, Blond pronounces to be useless, as he presumes that, on such an event, every thing will be regulated by the holy see.

CHAP. LVII.

ATTEMPTS TO ESTABLISH AN OFFICIAL INTER-COURSE BETWEEN THE SEE OF ROME AND THE ENGLISH GOVERNMENT.

THE agency of Panzani, and his attempts to effect a friendly communication between Rome and London, appear to have been generally known by some contemporary writers :—but the only authentic information which we possess of them, is contained in the work which we have cited under the title of Panzani's Memoirs; we shall now transcribe so much of them as relate to these communications.

“ The two secretaries Windebanck and Cottington, encouraged Panzani not to let fall the business of a reciprocal agent, because, by that means, the re-union of the kingdom with the church of Rome might come to pass. Panzani had written to cardinal Barberini about it, even at the beginning, when first it was proposed to him by Windebanck; and the cardinal applied his mind to it seriously; so, in answer, he ordered Panzani that he should consult father Philip*, what hopes there might be about the foresaid union of the kingdoms, and what means to cultivate it. Father Philip, as a wise man, and well acquainted with the affairs of that nation, assured, that every day good signs appeared, as well in the king, as in the ecclesiastics and laity of the kingdom, towards such an union; but that, how-

* A friar; the queen's confidential chaplain.

“ ever, it was to be looked upon as a most difficult
“ business, by reason of the severity of the laws
“ against the catholics; seeing that those, who really
“ desired an union, durst not discover it; but rather,
“ through fear, took occasion to show the contrary
“ disposition; and the same apprehension appeared
“ in the king, of his own nature most fearful: from
“ these things, a great inconvenience followed, to
“ wit, that none could make a prudent and secure
“ judgment of the mind of the king and his coun-
“ sellors; seeing them vary and waver so much.
“ It happened also then, when the king for his
“ pressing occasions of war, and such like, was
“ compelled, to have monies, to call a parliament;
“ and the lower house being full of puritans, these
“ were used ever to exclaim against the catholics;
“ nor would they consent to the king’s demands;
“ except he showed himself cruel against the ca-
“ tholics; as also, for the same reason, all those
“ bishops and ministers, that were moderate and
“ inclined to the union, about the time of calling a
“ parliament, because they feared to lose their life
“ or benefices, became also cruel, or at least severe
“ against the catholics; and the king himself could
“ not annul the parliamentary laws. However, that
“ the affair of the union might be much helped by
“ the choosing of the two reciprocal agents, if they,
“ in their managing affairs, studied to give content
“ to the king and state.

“ And here, father Philip gave a wise instruction
“ about the qualities of an agent to be sent by the
“ pope to reside in London: and first of all, that

“ he should show himself willing to give all just
“ and possible satisfaction ; that he should, now
“ and then, take occasion to excuse the king and
“ officers, if they did not altogether favour the ca-
“ tholics, and to lay the fault on the pursuivants ;
“ and to ask, with address, a remedy ; that he
“ should carefully inform Windebanck, of what
“ passed in Rome, and keep a communication with
“ the agents of the crowns and princes, to have
“ news, and send it, without yet giving offence to
“ the said princes,—and if the news were such, as
“ were not a disgrace to religion, that he should
“ make use of presents and regales ; that he should
“ be of age about thirty-five years, to the end he
“ might have a certain lively solidity, which usually
“ is not had either in youth or old age ; that he
“ should be of a good and handsome presence,
“ noble and rich, and above all, of an exemplary
“ life, but without affectation ; not a confidant of
“ the jesuits, nor more addicted to the French in-
“ terest, than to the Spaniards ; that he should
“ keep his family in good order, and be rather
“ liberal than otherwise ; that he should speak well
“ French, a tongue well understood in the English
“ court ; that in the first place he should take a
“ care to gain the good-will of the queen, with
“ presents of perfumes, and such like genteel gifts,
“ and with cheerful discourse and entertainment,
“ but yet modest and chaste ; and so also the ladies
“ of the court ; that he should live altogether free
“ from all lasciviousness and lightness, because it
“ was an usual saying in England, a good life a

“ good religion ; and the rather, because the king
“ was of himself of a most modest behaviour, and
“ the queen no less chaste and modest, and ab-
“ horring from all things which gave any signs of
“ impurity ; that, when by the help of the queen,
“ the counsellors were gained, it might be decreed
“ in the council, that the pursuivants or informers
“ should not do any thing without an express and
“ written order of the council ; which being com-
“ passed, the catholics would not any longer be
“ in fear, because as soon as any resolution should
“ be taken in council against them, some counsellor
“ gained by her majesty, might give notice to the
“ said catholics, and so easily those, that were ac-
“ cused, might fly and avoid the diligence of the
“ officers. If this point alone were established,
“ there would follow a kind of tacit liberty of con-
“ science for the catholics ; and the moderate
“ protestants would not fear so much to declare
“ themselves in favour of them ; and then would
“ be the proper time to act with the king by means
“ of the bishop of Canterbury, that he would grant,
“ as much as could be, an express liberty of con-
“ science ; which being granted, it was believed
“ that, in less than three years, almost all the
“ kingdom would become catholic ; and then would
“ be the time to call a parliament and recall the
“ laws against catholics, and to re-unite again with
“ the see apostolic.

“ It cannot be expressed, how much cardinal
“ Barberini was pleased with these observations of
“ father Philip ; and he answered that ‘ it could

“ not be denied that, as to the union, there were
“ not such difficulties of great moment, but that,
“ when the king should seriously desire it, they
“ might be overcome ; that, in the mean time his
“ holiness would apply his whole mind unto it, as
“ also should co-operate unto it the agent, that was
“ to be sent to London, in choosing of whom care
“ should be taken, that he were endowed with all
“ those ornaments of quality, and other talents, that
“ were desired : and that, in the interim, Panzani
“ should take a care to conserve the good-will of the
“ two secretaries of state, Windebanck and Cotting-
“ ton, who showed a good disposition towards
“ favouring the catholics.’

“ Father Philip and Panzani consulted together,
“ which of the two secretaries was fittest to manage
“ the affair of an agent ; because, on the one side,
“ Windebanck had been the first that proposed it,
“ and on the other, Cottington was to disburse the
“ expenses, for the maintaining one at Rome. But
“ because Windebanck might take it ill, if, without
“ his knowledge, they relied on his colleague,
“ Panzani dexterously induced him to be content
“ that Cottington should be made partaker of the
“ business ; but that first the queen should be ac-
“ quainted, that she might gain the king, as she
“ did, and obtained of him his consent, on condi-
“ tion that first Cottington’s advice should be taken ;
“ wherefore the queen ordered Panzani that he
“ should immediately go, in her name, to Cottington,
“ and acquaint him, in order, with the whole affair ;
“ and that, in the name of her majesty, he should

“go to speak with the king. Cottington showed
“a great deal of content; and, though he knew
“the matter to be very considerable and weighty,
“yet he promised he would do his part with the
“king to promote it, and with all diligence would
“execute his orders. The whole business being
“told to Windebanck by Panzani, he also received
“great content; but, at the same time, began to
“complain of the prohibition of the book called
“*Deus, Natura, Gratia*, saying that he resented
“it extremely, but laid the fault upon the jesuits,
“who would have disturbed all accommodation,
“for that they did not blush to speak ill of the
“pope, saying that he was a Frenchman, and that
“he promoted the war against catholics. But
“Panzani, after having showed the sincerity of all
“the dealings of Urban, and made him sensible
“thereof, said that, as to the jesuits of whom it was
“said they spread such calumnies, may be these
“were only inventions of their ill-wishers, and that,
“in fine, there was no need to tax an entire body
“of religious.

“Yet we must not pass over in silence, how as
“well Windebanck as Cottington obliged Panzani
“to the greatest secrecy about the declaration of
“an agent, promising, both of them, to bring the
“business to a happy issue, and without any noise.

“In the mean time, Cottington heard the king’s
“pleasure,—to wit, that he was content, that the
“queen should have in Rome a catholic agent, and
“that, on the other side, the pope should have one
“in England; and after he had acquainted the

“ queen therewith, with her excessive content,
“ communicated it also to Panzani, and added
“ withal, that the king himself would nominate
“ the person to be sent to Rome ; and that, if the
“ pope, after the departure of Panzani, would send
“ his agent to England, his advice was, that he
“ would make choice of a lay gentleman, because,
“ in that manner, he would not give suspicion or
“ jealousy to any. That, if he should send a secular
“ priest, he would be partial to the said priests ;
“ if a religious man, to the religious ; if a jesuit,
“ to the jesuits : *that he should not be by faction a*
“ *Spaniard*, but a neutral ; and above all, discreet.
“ The like counsel was also given him by Winde-
“ banck ; and it was a mark that it was the sense
“ of the king and state, because, being a laic, it
“ could not be said he was legate, or nunc of the
“ pope ; and so the heretics would not be so much
“ irritated, and particularly the puritans. Winde-
“ banck, who had been the first to motion this
“ reciprocal sending of agents, expressed an ex-
“ cessive joy, seeing it was determined ; and fore-
“ told that from such good beginnings of cor-
“ respondence with the see apostolic, great good
“ would follow to England. Panzani answered that
“ he hoped no less, having heard the final resolution
“ taken in this matter, on the vigil of St. Eleuthe-
“ rius pope, who converted Lucius king of Brittany,
“ and of St. Augustine, sent by St. Gregory to con-
“ vert England.”

It appears that Panzani was succeeded in his mission to England by a monsignor Agretti. On

the 12th July 1669, the congregation *de Propaganda Fide*, held a particular assembly on the affairs of England; the cardinals Barberini, Albizi, Chigi, Azzolini, and monsignor Ubaldi, the secretary of the congregation, attended this assembly. Some instructions were delivered to Agretti, and the Relazioni or Report of Panzani was put into his hands*.

Hume† shortly mentions, that for some years, Conn, a Scotchman, and afterwards Rosetti, an Italian, openly resided in London, and frequented the court as vested with a commission from the pope. In 1642, it was deemed advisable to discontinue altogether the intercourse with Rome.

CHAP. LVIII.

THE PURITANS.

HAVING shown the unsuccessful attempts which were made in the beginning of the reign, to which

* Archivium of the Propagandâ,—Libro delle congregazioni particolari, degli anni 1668, 1669. "Mittatur eidem Relatio Panzani pro majore ipsius informatione."

† Ch. liv.—In the "Abstract of the Transactions relating to the English secular Clergy, (p. 43)," it is briefly mentioned that a design of count Rosetti to abrogate the dean and chapter, was discovered; but that immediately a letter was despatched to cardinal Barberini our protector, subscribed, Antonius Champneus, capituli cleri secularis in Angliâ decanus, with seven archdeacons, the sum whereof was to protest against the said design; and so no more was heard about it."

our subject has now led us, to renew religious communion and amity between Rome and England, we must proceed to a less pleasing theme,—the persecution, which, in every part of it, though always against the wishes of the monarch, the English catholics suffered:—but some previous account of *the Puritans*, too frequently the instigators of it, is necessary.

While, during the reigns of Elizabeth and James, the government of England was employed in devising and executing the severities which have been related against the catholics, this new denomination of christians arose in the bosom of the establishment, derived strength from opposition, and, at the time, of which we are now speaking, was rapidly advancing to that power, which enabled them, at no very distant period, to triumph over their parent church, and even to overthrow the monarchy. A succinct account of their vicissitudes of fortune will connect, in some measure, the three histories—of the protestants of the established church,—of the protestant dissenters,—and of the roman-catholics of England. We shall therefore present the reader with a succinct account, I. Of the origin of the puritans: II. Of the points of discipline, in which there was a difference between them and the established church: III. Of their division into presbyterians,—independents,—and baptists: IV. Of the act of uniformity: V. Of the court of high commission: and VI. Of the conference at Hampton Court.

LVIII. 1.

The Origin of the Puritans.

It has been mentioned, that, in the reign of Henry the eighth, those, who favoured the reformation, were generally inclined to the Lutheran creed, discipline, and liturgy : that, in the reign of Edward the sixth, they generally inclined to the doctrine of Calvin ; and that the change of religion, during the reign of queen Mary, and the consequences of that change, drove some of the most zealous of the English reformers into exile. Their number is supposed to have been about eight hundred. Some settled in Switzerland ; but the greater part at Frankfort, or its neighbourhood. Many preserved the form of worship of the English church ; others preferred the Helvetian rites, on account of their greater simplicity. The former received the appellation of conformists ; the latter, that of non-conformists, or puritans. These soon split into parties, and scandalized all the protestants of Germany by their quarrels*. In the end, the conformists obtained the ascendancy.

* See " Brief Discourse of the Troubles begun at Frankfort, in Germany, ann. Dom. 1554, about the book of common prayer, and ceremonies, and continued by the Englishmen to the end of queen Mary's reign. First published in the year 1575."

It was republished in " The Phoenix, or, a Revival of scarce and valuable Pieces, no where to be found but in the closets of the curious ;" and is the xixth article in that collection. The xxth article, which contains " Calvin's Com-

The non-conformists, generally, adopted the doctrine and discipline of Calvin. On this account, they were disliked by the Lutherans; and the conduct of these, in their regard, was most uncharitable. They proceeded so far,—(as we are informed by Dr. Maclaine*), as to call “the English martyrs, who, in the reign of queen Mary, had sealed the reformation with their blood,—the devil’s martyrs.”

LVIII. 2.

The principal Points in difference between the Church of England and the Puritans.

FROM Mosheim†, we transcribe the following very accurate statement of this difference.

“The principles laid down by the commissioners of the queen’s high court of commission, on the one hand; and the puritans on the other, were very different.

1. “For, in the first place, the former maintained, that the right of reformation,—that is,—the privilege of removing the corruptions, and mon Prayer-books for the use of the English church of Geneva;” the xxi*, which contains “the Burden of Issachar, or, the Tyrannical Power and Practices of the Presbyterial Government in Scotland,” first printed in 1646; and the xxiii^d article, which contains “the Dissertatio de Pace, &c. or, a Discourse touching the Peace and Concord of the Church,” supposed to be written by Mr. John Hales, of Eaton;” also deserve the reader’s perusal.

* Translation of Mosheim’s History, ed. 2. vol. iv. p. 87.

† Ibid. cent. xvi. s. 3. part ii.

“ of correcting the errors, that may have been introduced into the doctrine, discipline, or worship of the church, is lodged in the sovereign, or civil magistrate alone; while the latter denied that the power of the magistrate extended so far; and maintained, that it was rather the business of the clergy to restore religion to its native dignity and lustre. This was the opinion of Calvin, as has been already observed.

2dly, “ The queen’s commissioners maintained, that the rule of proceeding, in reforming the doctrine or discipline of the church, was not to be derived from the sacred writings alone, but also from the writings and decisions of the fathers, in the primitive ages. The puritans, on the contrary, affirmed, that the inspired word of God, being the pure and only fountain of wisdom and truth, it was from thence alone, that the rules and directions were to be drawn, which were to guide the measures of those, who undertook to purify the faith, or to rectify the discipline and worship of the church; and that the ecclesiastical institutions of the early ages, as also the writings of the ancient doctors, were absolutely destitute of all sort of authority.

3dly, “ The queen’s commissioners ventured to assert, that the church of Rome was a true church, though corrupt and erroneous in many points of doctrine and government; that the Roman pontiff, though chargeable with temerity and arrogance, in assuming to himself the title and jurisdiction of head of the whole church, was,

“ nevertheless, to be esteemed a true and lawful
“ bishop ; and consequently, that the ministers,
“ ordained by him, were qualified for performing
“ the pastoral duties. This was a point which the
“ English bishops thought it absolutely necessary
“ to maintain, since they could not otherwise claim
“ the honour of deriving their dignities, in an un-
“ interrupted line of succession, from the apostles.
“ But, the puritans entertained very different no-
“ tions of this matter ; they considered the Romish
“ hierarchy as a system of political and spiritual
“ tyranny, that had justly forfeited the title and
“ privileges of a true church ; they looked upon
“ its pontiff as antichrist ; and its discipline as
“ vain, superstitious, idolatrous, and diametrically
“ opposite to the injunctions of the gospel ; and in
“ consequence of this, they renounced its commu-
“ nion, and regarded all approaches to its disci-
“ pline and worship, as highly dangerous to the
“ cause of true religion.

4thly, “ The court commissioners considered,
“ as the best and most perfect form of ecclesiastical
“ government, that which took place during the
“ first four or five centuries ;—they even preferred
“ it to that which had been instituted by the
“ apostles ; because, as they alleged, our Saviour
“ and his apostles had accommodated the form
“ mentioned in the scripture, to the feeble and in-
“ fant state of the church ; and left it to the wisdom
“ and discretion of future ages, to modify it in
“ such manner as might be suitable to the trium-
“ phant progress of christianity, the grandeur of a

“ national establishment, and also to the ends of
“ civil policy. The puritans asserted, in opposi-
“ tion to this, that the rules of church government
“ were clearly laid down in the holy scriptures,
“ the only standard of spiritual discipline ; and that
“ the apostles, in establishing the first christian
“ church on the aristocratical plan, that was then
“ observed in the Jewish sanhedrim, designed it
“ as an unchangeable model, to be followed in all
“ times and in all places.

5thly, “ The court reformers were of opinion,
“ that things indifferent, which are neither com-
“ manded nor forbidden by the authority of scrip-
“ ture, such as the external rites of public worship,
“ the kind of vestments that are to be used by the
“ clergy, religious festivals, and the like, might be
“ ordered, determined, and rendered a matter of
“ obligation, by the authority of the civil magis-
“ trate ; and that in such a case, the violation of
“ his commands would be no less criminal, than
“ an act of rebellion against the laws of the state.
“ —The puritans alleged, in answer to this asser-
“ tion, that it was an indecent prostitution of power,
“ to impose, as necessary and indispensable, those
“ things which Christ had left in the class of mat-
“ ters indifferent ; since this was a manifest en-
“ croachment upon that liberty with which the
“ divine Saviour had made us free. To this they
“ added, that such rites and ceremonies as had
“ been abused to idolatrous purposes, and had a
“ manifest tendency to revive the impressions of
“ superstition and popery in the minds of men;

“ could by no means be considered as indifferent,
“ but deserved to be rejected, without hesitation,
“ as impious and profane. Such, in their estimation,
“ were the religious ceremonies of ancient
“ times, whose abrogation was refused by the queen
“ and her council.”

LVIII. 3.

*Division of the English Puritans into Presbyterians,
Independents, and Baptists.*

1. These were the tenets of the original Puritans : the Presbyterians are usually considered as their legitimate descendants.

2. The Independents sprang from the Brownists, the most distinguished of the sects, into which the puritans divided. Brown, the founder of this denomination of puritans, was a man of talent. His aim was, to model his party into the form of the christian church, in its infant state. Being dissatisfied with the treatment which he received in England, he retired to the continent : and founded churches in Middleburgh, Amsterdam, and Leyden. Thus abandoned by him, his English followers mitigated the extreme simplicity of his plan, but preserved its leading principle—that each congregation is itself a separate and independent church, acknowledging no superiority or right of interference, in any man, or in any body of men. This gave them the name of independents, or of congregation-brethren. A fuller account of them may be seen in the writer's Confessions of Faith, ch. 12.

3. In the same work may be found a succinct account of the baptists. It is too long for insertion in this place: but cannot, it is apprehended, be very much abridged. For the present purpose, it is sufficient to say, that, in their discipline and worship, as well as in the independency of their particular congregations, they very nearly resemble the independents; but differ from them in the administration of baptism. It is observable, that this denomination of christians,—now very respectable, but in their origin little intellectual,—first propagated the principles of religious liberty.

The separation of the puritans from the church of England began with the act of uniformity; but was not discernible till the year 1566,—the period assigned for it by Neale*. Some writers term this—the first separation: the second, they say, took place, soon after the assembly of the clergy was convened at Lambeth, by the order of James the first, in 1604.

The principal cause assigned for these separations, was, the use of certain ceremonies, still practised by the ministers of the established church; particularly the retention of the surplice. In proportion as the controversy grew warm, more importance was annexed to these circumstances. Cartwright and his brethren admitted them to be indifferent in substance; though, on many accounts, seriously objectionable: at the time of the second separation, they were pronounced to be unlawful: and neither to be imposed nor endured.

* Hist. of the Puritans, c. iv.

LVIII. 4.

The Act of Uniformity.

ON the accession of queen Elizabeth, the greater part of the exiles returned to their native country. Their distinction, into conformists and non-conformists, followed them, on their return ; and the liberty, which they then enjoyed, rather increased than diminished their animosities. A temporary peace was, however, signed ; and letters of mutual forgiveness passed between the leaders of the contending parties. It has been mentioned, that queen Elizabeth wished the national creed and discipline to be as comprehensive as possible ; but, being once established, she determinately resolved, that all should conform to it. With this view, the act of uniformity, (1 Eliz. c. 2), was passed. It enjoined, as we have already shortly stated, that all ministers of the church should use the book of Common Prayer authorized by the statute of the 5th and 6th years of Edward the sixth, with the addition of certain lessons, to be used on every Sunday and holiday in the year ; and with an alteration in the form of the litany ; and the insertion of two sentences in the delivery of the sacrament to the communicants. All persons were enjoined to attend divine service, at their parish church, or at some accustomed chapel, on every Sunday, and also on every other day prescribed by law, under the penalty of one shilling for each

absence. This statute was generally called the Act of Uniformity.

LVIII. 5.

The Court of High Commission.

MENTION has been already made of the statutes, which, in the first year of the reign of queen Elizabeth, conferred upon her the spiritual supremacy of the church of England. A clause, inserted in that statute, was attended with the most serious effects; and, in the reign of her second successor, convulsed both the church and the state to their centres. It empowered "the queen, and her successors, to appoint commissioners, to exercise any manner of spiritual or ecclesiastical jurisdiction in England or Ireland; to visit, reform, redress, order, correct, and amend all heresies, schisms, contempts, offences, and enormities whatsoever:"—with a proviso, that they "should determine nothing to be heresy, but what had been adjudged to be so, by the canonical scripture, or by the first four general councils, or any other general council, wherein the same had been declared heresy, by the express and plain words of scripture; or such as should thereafter be declared to be heresy by the high court of parliament, with the consent of the clergy in convocation."

Agreeing in little else, Hume*, and Neale†,

* History of England, c. xli.

† History of the Puritans, vol. i. p. 10.

perfectly accord in their accounts of the unconstitutional and arbitrary rules of this court; and of the enormity of its proceedings. By the former, they are described in the following words :—

“ The first primate, after the queen’s accession, was Parker; a man, rigid in exacting conformity to the established worship, and in punishing, by fine or deprivation, all the puritanical clergymen who attempted to innovate anything in the habits, ceremonies, or liturgy of the church. He died in 1575; and was succeeded by Grindall, who, as he himself was inclined to the new sect, was, with great difficulty, brought to execute the laws against them, or to punish the non-conforming clergy. He declined obeying the queen’s orders for the suppression of prophesyings, or the assemblies of the zealots in private houses, which, she apprehended, had become so many academies of fanaticism; and, for this offence, she had, by an order of the star-chamber, sequestered him from his archiepiscopal function, and confined him to his own house. Upon his death, which happened in 1583, she determined not to fall into the same error in her next choice; and she named Whitgift, a zealous churchman, who had already signalized his pen in controversy, and who, having in vain attempted to convince the puritans by argument, was now resolved to open their eyes by power, and by the execution of penal statutes. He informed the queen, that all the spiritual authority lodged in the prelates was insignificant, without the sanction of the crown;

“ and, as there was no ecclesiastical commission,
“ at that time, in force, he engaged her to issue
“ a new one, more arbitrary than any of the former;
“ and conveying more unlimited authority. She
“ appointed forty-four commissioners, twelve of
“ whom were ecclesiastics; three commissioners
“ made a quorum; the jurisdiction of the court
“ extended over the whole kingdom, and over all
“ orders of men; and every circumstance of its
“ authority, and all its methods of proceeding,
“ were contrary to the clearest principles of law
“ and natural equity. The commissioners were
“ empowered to visit and reform all errors, here-
“ sies, schisms; in a word, to regulate all opinions,
“ as well as to punish all breach of uniformity
“ in the exercise of public worship. They were
“ directed to make inquiry, not only by the legal
“ method of juries and witnesses, but by all other
“ means and ways which they could devise; that
“ is, by the rack, by torture, by inquisition, by im-
“ prisonment. Where they found reason to suspect
“ any person, they might administer to him an
“ oath, called *ex officio*; by which he was bound
“ to answer all questions, and might thereby be
“ obliged to accuse himself, or his most intimate
“ friend. The fines which they levied were dis-
“ cretionary, and often occasioned the total ruin
“ of the offender, contrary to the established laws
“ of the kingdom. The imprisonment to which
“ they condemned any delinquent, was limited by
“ no rule but their own pleasure. They assumed
“ a power of imposing on the clergy what new

“ articles of subscription, and consequently of faith,
“ they thought proper. Though all other spiritual
“ courts were subject, since the reformation, to
“ inhibitions from the supreme courts of law, the
“ ecclesiastical commissioners were exempted from
“ that legal jurisdiction, and were liable to no
“ control. And the more to enlarge their authority
“ they were empowered to punish all incests, adul-
“ teries, fornications ; all outrages, misbehaviours,
“ and disorders in marriage: and the punishments
“ which they might inflict, were according to their
“ wisdom, conscience, and discretion. In a word,
“ this court was a real inquisition, attended with
“ all the iniquities, as well as cruelties, inseparable
“ from that tribunal. And as the jurisdiction of
“ the ecclesiastical court was destructive of all law,
“ so its erection was deemed by many a mere
“ usurpation of this imperious princess, and had no
“ other foundation than a clause of a statute, re-
“ storing the supremacy to the crown, and em-
“ powering the sovereign to appoint commissioners
“ for exercising that prerogative. But, preroga-
“ tive in general, especially the supremacy, was
“ supposed, in that age, to involve powers, which
“ no law, precedent, or reason, could limit and
“ determine.”

LVIII. 6.

The Conference at Hampton Court.

DURING the whole of the reign of Elizabeth, the contest between the established church and the puritans, was on the increase ; and many whole-

some severities, to use the language of persecution, were inflicted on the puritans.—At first, they seemed to be favoured by her successor. He expressed a laudable desire to accommodate matters between the contending parties. With this view, he appointed the conference at Hampton Court; it was attended by nine bishops, and as many dignitaries on the one side; and by four puritans on the other. James himself took a great part in it: and had the satisfaction to hear from Whitgift, the archbishop of Canterbury, that, “undoubtedly his majesty spoke by the special assistance of God’s spirit;” and, from Bancroft, the bishop of London, that, “the Almighty, of his singular mercy, had given such a king, as from Christ’s time there had not been.” “Whereupon,” says Strype*, “the lords, with one voice, yielded a very affectionate acclamation.” His majesty was highly delighted with his own display of talent at this extraordinary exhibition. In a letter preserved by Strype, (N. xlvi.) the royal theologian writes to one of his friends, that “he had kept a revel with the puritans for two days, the like of which was never seen; and that he had peppered them, as he, (to whom he was writing) had done the papists: and that he was forced to say, at last, that, if any of them had been in a college, disputing with other scholars, and that any of their disciples had answered them in that sort, they themselves would have snatched him up, in place of a reply, with a rod.”

* Life and Acts of archbishop Whitgift, b. iv. c. xxxi.

CHAP. LIX.

THE PERSECUTION OF THE ENGLISH CATHOLICS
DURING THE REIGN OF CHARLES THE FIRST.

WE must now lead our readers from the pleasing though unsuccessful attempts at conciliation, which we detailed in a preceding chapter, to the disgusting view of increased severities. In one respect, the persecution, which we have now to relate, bore a new character. Those, which the catholics suffered in the reigns of Henry the eighth, Edward the sixth, and Elizabeth, originated with the monarchs themselves, or with their ministers; that, which they suffered under Charles, was forced from him by the adversaries of his crown. In another respect, also, it differed from the former: in the reign of Elizabeth, the cause of the catholics was connected, in the opinion both of the queen and her ministers, with the rival pretensions of Mary, with the sentence of excommunication and deposition pronounced by St. Pius the fifth, and attempted to be executed by Philip the second; and with the intrigues of some of the English exiles in Spain. All these causes continued, though in a fainter degree, to operate on the public mind throughout the reign of James. On the accession of Charles they subsided altogether; but soon after his accession, events took place, which, unfortunately for the catholics, connected them, in the minds of many, with circumstances very unfavourable to them.

The attachment of the monarch to his catholic queen, and the deference, which he was known to pay to her counsels, made the catholics general objects both of jealousy and alarm; while their acknowledged principles of loyalty irritated the popular party and its leaders against them. The prejudices to which this subjected them, increased in proportion to the increase of the popular ferment. This rose at length to frenzy: meanwhile, the monarch, though both by nature and principle averse from measures of cruelty or oppression, was often too easily persuaded to sacrifice the catholics, whenever his interest appeared to require it, to the fury of their enemies. This made their condition, during the greater part of his reign, truly deplorable: we shall consider it in this chapter.

Even in the first year of the reign of Charles, the parliament showed an active zeal against the catholic religion, by a complaint, which the commons made against a Dr. Montague, who had published a book, which occasionally made honourable mention of some doctrines of the catholic church, and even ventured so far as to assert, that the pope was not Antichrist*: they also showed it, by a petition, which was presented by both houses of parliament to his majesty, praying for the due execution of the

* It was intituled "An Appeal to Cæsar." The author of it had before incurred the displeasure of the archbishop of Canterbury and some other divines, by a work intituled "A nice Gag for an old Goose," in answer to a catholic work intituled "A Gag for the New Gospel."—See Parliamentary History, vol. vi. p. 323.

laws against the catholics. This, the king, in his answer, generally promised* ; and by a proclamation, which immediately followed, he ordered to England, all the children of catholic recusants, who had been sent abroad for foreign education, or on any other account ; and enjoined the archbishops of both provinces to proceed strictly against such recusants by excommunication, and the other censures of the church. The arms of the catholics were taken from them†, and they were commanded not to stir above five miles from their own houses‡.

In the following year, the commons presented a petition against the catholics, expressed in the strongest language ; it mentioned, among other grievances, the names of several persons, in places of government or authority, who, they affirm, were popish recusants, or suspected of being such§ :—the king dissolved the parliament without returning any answer to the petition.

The alarm increasing, a conference was held between the lords and commons ; and they joined in a petition to the king, for putting the laws, which

* Parl. Hist. vol. vi. p. 380.

† Rushworth, vol. i. p. 195, mentions the orders of council to the marquis of Winchester, lord St. John his son, lord viscount Montague, lord viscount Colchester, lord Petre, the earl of Castlehaven, lord Morley, lord Vaux, lord Eures, lord Arundell of Wardour, lord Teynham, lord Herbert, and lord Windor, requiring them “ to render their arms and the “ furniture thereunto belonging, together with all their habi-
“ liments of war.”

‡ Rushworth, vol. i. p. 406.

§ Parl. Hist. vol. vii. p. 286.

have been mentioned, into execution. Sir Edward Coke took a leading part in this business; he brought into full view the spiritual œconomy of the secular and regular clergy of the English catholics, their ecclesiastical agencies, and their establishments abroad. In his answer to the petition, his majesty promised to give "life, motion, and execution" to the laws*. Proclamations hostile to the catholics were accordingly issued, and an act passed for "restraining the sending over of any to be popishly bred beyond the seas;" it re-enacted and increased the severe penalties of the act passed in the first year of James against foreign education. On other occasions, the commons proceeded in a manner that showed their hostility to the catholics. Some priests having been condemned, and their execution staid, the commons made it a subject of severe inquiry.—It having appeared that some persons had been tried before lord chief justice Richardson for being priests; that no proof of their having been guilty of that offence was produced, except the discovery of some sacerdotal vestments in the house in which they were apprehended, and that the chief justice, conceiving this evidence insufficient, had directed the jury to find them "not guilty," saying, that the question was "priests or no priests,—and that they were entitled to have justice done them;" this was made a subject of complaint.—"Never was the like example," said sir Robert Phillips; "if the judges give us not better satisfaction, they themselves will be par-

* Parl. Hist. vol. vii. p. 387, 391.

"ties*." One is sorry to find that the report made to the commons on this subject was brought up by Mr. Selden †.

A committee for religion was then formed; it appears by the articles for their instruction, that Arminianism was now an object of great terror to the house ‡.

But the contention between the monarch and the commons now rose so high, that, on the 10th day of March in the fourth year of his reign,—(1629),—he dissolved the parliament, with expressions of great displeasure. On the 10th of the same month, he published "His declaration, to all his loving subjects, of the cause which had moved him to dissolve it." It is written with perspicuity, force, and elegance. On the subject of religion he says, "We call God to record, before whom we stand, that it is, and always has been, our heart's desire, to be found worthy of that title, which we account the most glorious in all our crown,—*Defender of the Faith*.—Neither shall we ever give way to

* Parl. Hist. vol. viii. p. 306.

† What had become of his noble motto, Πᾶσι πάντες τὴν αὐθιρίαν?—"You will find," Mr. Fox said to the writer of these pages, "much fewer real friends of religious liberty than you expect; but you may always depend on Fitzwilliam and Petty."

‡ Parl. Hist. vol. viii. p. 319.—In the debates upon the duke of Buckingham, one of his advocates expatiated in the great pains taken by him to convert his mother from the catholic religion; to confirm his wife, "whom he found not firm," in the protestant religion; and to discountenance the Arminians. *Ib.* p. 317.

“ the authorizing of any thing, whereby any innovation may steal or creep into the church ; but
“ to preserve that unity of doctrine and discipline,
“ established in the time of queen Elizabeth,
“ whereby the church of England hath stood and
“ flourished ever since.

“ And, as we were careful to make up all breaches
“ and rents in religion at home, so did we, by our
“ proclamation and commandment for the execution of laws against priests and popish recusants,
“ fortify all ways and approaches against that
“ foreign enemy ; in which, if we have not succeeded according to our intention, we must lay
“ the fault, where it is, on the subordinate officers
“ and ministers in the country, by whose remissness, jesuits and priests escape without apprehension, and recusants from those convictions
“ and penalties, which the law and our commandment would have inflicted on them.”

It is impossible not to be aware of the strong feelings of self degradation, which the monarch must have had, when he used these expressions.

From March 1629, no parliament was called till April 1639. A parliament was then convened ; it was dissolved after sitting a few months : but, in September in the next year, a new parliament was summoned to meet in the following November, “ a
“ parliament which,” say the authors of the Parliamentary History*, “ many before that time, thought
“ would never have had a beginning, and afterwards, that it would never have had an end.”

* Vol. viii. p. 505.

From its long duration, it has been called the Long Parliament.

To the early part of the period between the accession of the monarch, and the meeting of the long parliament, we must assign the mitigated execution of the laws against the catholics, which is mentioned in our extracts from father Leander and Panzani.

A work of the celebrated Prynne*, shows equally the amiable disposition of the monarch to gentleness and mercy, and his culpable timidity.—It contains “several letters of grace, protection, and warrants of discharge, granted by him to notorious popish recusants, priests and jesuits, to exempt them from all prosecutions and penal laws against them, signed with his own hand;” and “a note of the names of those recusants, against whom process had been stayed by his privy signet.” By a certificate produced by Mr. Prynne, under the hand of Mr. John Pulford, the officer employed in these prosecutions, it appears that the number of recusants-convict in the twenty-nine counties, within the southern division of England, from the first till the sixteenth year of the reign of his majesty, amounted to 11,970. A list follows, of “discharges of priests and jesuits, under the king’s councils and secretary Windebanck’s hands†.”

* “The Popish Royall Favourite: or a full Discovery of his Majestie’s extraordinary Favours to and Protections of notorious Papists, Priests, Jesuits, against all prosecutions and penalties of the laws enacted against them, &c. Collected and published by authority of Parliament, by William Prynne, of Lincoln’s-Inn, esq. 4to. 1643.”

† See his majesty’s commission to compound with recusants, Rushworth, vol. i. p. 413.

The whole of this work bears testimony to the moderation of the monarch; and this did him the greater honour, as his attachment to his own religion was perfectly sincere: but it equally shows the persecuting spirit both of the multitude and their leaders.

In the articles of peace, presented to the monarch in 1646*, it was expressly stipulated, that “ nothing contained in them, should extend to a toleration of the popish religion, nor to exempt any popish recusant from any penalties imposed on him for the increase of the same.”

But, even during this period of mildness, as it has been termed, one priest, Mr. Edward Arrowsmith, of the society of Jesus, suffered death, merely upon the charge of being a priest and jesuit, and a persuader of others to the catholic religion, without the slightest proof of either crime. He was executed at Lancaster in 1628: “ Divers protestants,” says the printed relation of his death, “ beholders of the bloody spectacle, wished their souls with his. Others wished they had never come there; others said it was a barbarous act to use men so, for their religion.”

“ From this year,” says Dr. Challoner (from whom we have copied this extract), “ till 1641, I find no more blood shed for religious matters, though, as to other penalties, they were frequently inflicted upon priests and other catholics: severe proclamations were issued against them,

* Thurloe's State Papers, vol. i. p. 77. Rush. vol. i. part iv. p. 309.

“ heavy fines laid upon them, and the prisons filled
“ with them ; insomuch that, in the compass of
“ one year alone, there were twenty-six priests, of
“ divers orders, seized and committed to that one
“ prison called the Clink ; to speak nothing of
“ those that were confined elsewhere*.”

CHAP. LX.

THE CIVIL WAR,—PRESBYTERIANS,—INDEPENDENTS.

THE history of the civil war does not belong to these pages : it is written by Hume, with great ability and with much less partiality than is commonly allowed. On a dispassionate review of it, there appears strong ground to contend, that the objects of the popular party were for a considerable time after its commencement justifiable, both on principle and by precedent ; but that neither the nature nor extent of the principles or precedents being clear, much may be offered in exculpation of the monarch : nor can it be denied that, to attain their aims, the parliamentary leaders encouraged the grossest and foulest calumnies both of his actions and his designs, and too successfully practised every other artifice to inflame the passions of the multitude against him. Things may be supposed to have continued in this state till the petition

* Dr. Challoner's *Memoirs of Missionary Priests*, ad ann. 1628, p. 123, 148.

of right in 1628. From this time, the sins of each side increased till the remonstrance of 1641 ; after which, the overthrow of the ancient monarchical government of the kingdom was, unquestionably, the object of the agitators, and Charles may be said generally to have been its defender. The confederacy with the Scots, and the solemn league and covenant, consummated the guilt of his enemies, and were equally fatal to the constitution and the monarch. The triumph of the presbyterians was then complete ; and they no sooner obtained the ascendancy under the long parliament, than they imposed, with the same rigour as their predecessors had done, their own creeds and confessions ; and invested their magistrates with the same power of punishing, with pains and penalties, dissenters from their establishment.

But in the mean time, the Independents, a new denomination of religionists, arose, and after sheltering themselves for some time under the wings of the presbyterians, usurped by degrees the scene of action, and obtained the ascendancy. “ Then “ arose,” says Bossuet*, “ a man of unfathomable “ depth of thought ; as subtle a hypocrite as he “ was a consummate politician ; equally impene- “ trable in peace and war ; leaving nothing to for- “ tune, which he could keep, by wisdom or fore- “ sight, from her power ; but, at the same time, “ always so well prepared, as never to let slip any “ opportunity of which he could avail himself, to

* In his Funeral Oration on Henrietta-Maria, the widow of Charles the first.

“ his advantage.—In fine,—one of those active
“ spirits, who seem born for the disturbance of the
“ world. What does not such a man achieve,
“ when it pleases the Almighty to make him an
“ instrument of his wrath !”

Such is the description given by Bossuet of this celebrated person. To explain the genius of his party, and the difference of its principles and views from those of the presbyterians, we shall transcribe the following masterly view which is given of them by Hume.

“ During those times, when the enthusiastic
“ spirit met with such honour and encouragement,
“ and was the immediate means of distinction and
“ preferment, it was impossible to set bounds to
“ the holy fervours, or confine, within any natural
“ limits, what was directed towards an infinite
“ and a supernatural object. Every man, as
“ prompted by the warmth of his temper, excited
“ by emulation, or supported by his habits of hypo-
“ crisy, endeavoured to distinguish himself beyond
“ his fellows, and to arrive at a higher pitch of
“ saintship and perfection. In proportion to its
“ degree of fanaticism, each sect became danger-
“ ous and destructive ; and as the independents
“ went a note higher than the presbyterians, they
“ could less be restrained within any bounds of
“ temper and moderation. From this distinction,
“ as from a first principle, were derived, by a neces-
“ sary consequence, all the other differences of
“ these two sects.

“ The independents rejected all ecclesiastical

“ establishments, and would admit of no spiritual
“ courts, no government among pastors, no interpo-
“ sition of the magistrate in religious concerns, no
“ fixed encouragement annexed to any system of
“ doctrines or opinions. According to their prin-
“ ciples, each congregation, united voluntarily, and
“ by spiritual ties, composed, within itself, a separate
“ church, and exercised a jurisdiction, but one des-
“ titute of temporal sanctions, over its own pastor
“ and its own members. The election alone of the
“ congregation was sufficient to bestow the sacer-
“ dotal character ; and as all essential distinction
“ was denied between the laity and the clergy, no
“ ceremony, no institution, no vocation, no im-
“ position of hands, was, as in all other churches, sup-
“ posed requisite to convey a right to holy orders.
“ The enthusiasm of the presbyterians led them to
“ reject the authority of prelates, to throw off the
“ restraint of liturgies, to retrench ceremonies, to
“ limit the riches and authority of the priestly office :
“ the fanaticism of the independents, exalted to a
“ higher pitch, abolished ecclesiastical government,
“ disdained creeds and systems, neglected every
“ ceremony, and confounded all ranks and orders.
“ The soldier, the merchant, the mechanic, in-
“ dulging the fervors of zeal, and guided by the
“ illapses of the spirit, resigned himself to an in-
“ ward and superior direction, and was consecrated
“ in a manner, by an immediate intercourse and
“ communication with heaven.

“ The catholics, pretending to an infallible guide,
“ had justified, upon that principle, their doctrine

“ and practice of persecution : the presbyterians,
“ imagining that such clear and certain tenets, as
“ they themselves adopted, could be rejected only
“ from a criminal and pertinacious obstinacy, had
“ hitherto gratified, to the full, their bigoted zeal,
“ in a like doctrine and practice : the independents,
“ from the extremity of the same zeal, were led into
“ the milder principles of toleration. Their mind,
“ set afloat in the wide sea of inspiration, could con-
“ fine itself within no certain limits ; and the same
“ variations, in which an enthusiast indulged him-
“ self, he was apt, by a natural train of thinking, to
“ permit in others. Of all christian sects, this was
“ the first, which, during its prosperity, as well as
“ its adversity, always adopted the principle of tole-
“ ration ; and it is remarkable, that so reasonable
“ a doctrine owed its origin, not to reasoning, but
“ to the height of extravagance and fanaticism.

“ Popery and prelacy alone, whose genius seemed
“ to tend towards superstition, were treated by the
“ independents with rigour. The doctrines too of
“ fate or destiny, were deemed by them essential
“ to all religion. In these rigid opinions, the
“ whole sectaries, amidst all their other differences,
“ unanimously concurred.

“ The political system of the independents kept
“ pace with their religious. Not content with con-
“ fining, to very narrow limits, the power of the
“ crown, and reducing the king to the rank of first
“ magistrate, which was the project of the presby-
“ terians ; this sect, more ardent in the pursuit
“ of liberty, aspired to a total abolition of the

“monarchy, and even of the aristocracy; and
“projected an entire equality of rank and order, in
“a republic quite free and independent.”

CHAP. LXI.

CONDITION OF THE ENGLISH CATHOLICS FROM
THE MEETING OF THE LONG PARLIAMENT
TILL THE END OF THE REIGN OF CHARLES
THE FIRST.

THE political manœuvres, which persuaded the multitude to believe that the sovereign was a favourer of popery, and which left him, as he too readily supposed, no means of repelling the charge, except that of causing the laws against them to be executed with new vigour, may, as we have already had occasion to observe, be dated from the beginning of the reign of James the first. Frequent resort to this unjustifiable but effective measure was had, during the contests between Charles the first and his parliament: the religion of the queen was too often used as a pretext to give the insinuation credit and currency.

Stories, the most absurd and ridiculous, were, at the same time, propagated, to inflame the multitude against the catholics, by rendering them objects both of hatred and alarm. These were often of such a nature, that even the silliest men would not, in times when the public mind was in quiet, have ventured to relate them; but such was the

state of popular feeling at the time, of which we are now speaking, that such stories were frequently circulated, and generally credited. Even the wisest believed, or affected to believe them, and persons of the highest authority were not wanting to give them the sanction of their authority. Reports were spread of foreign fleets threatening our coasts; of an army of papists training to the use of arms under ground; of a plot for blowing up the river Thames, and drowning the faithful protestant city*. But, what are we to say of the celebrated Hampden, who introduced into the house of commons a taylor, of Cripplegate, who averred, that walking in the fields near a bank, he overheard, from the opposite side of it, the particulars of a plot, concerted by the priests and other papists, for a hundred and eight assassins to murder a hundred and eight leading members of parliament, at the rate of 10*l.* for every lord, and of 40*s.* for every commoner, so murdered? or of the house of commons, who, on this deposition, proceeded to the most violent measures against the catholics; and, under pretence of greater security, ordered the train-bands, and militia of the kingdom, to be in readiness, and to be placed under the command of the earl of Essex†? or of the house of lords, who adopted the taylor's report, and ordered it to be printed and circulated throughout the kingdom?

* See the "Examination of Neale's History of the Puritans, by Grey," vol. ii. p. 260.

† Nalson's Collections, vol. ii. p. 646; Journ. 16th Nov. 1642. Dugdale, p. 77.—These reports are properly noticed by Hume, ch. lv.

The consequence was such, as might have been expected : Proclamation after proclamation was issued. In the petition, agreed to by both houses of parliament in June 1642, and presented to the king at York, as the foundation for a final end of all differences between them, the sixth article is, “ that
“ the laws in force against jesuits, priests, and
“ popish recusants, be strictly put in execution,
“ without any toleration or dispensation to the
“ contrary ; and that some more effectual course
“ may be enacted, by authority of parliament, to
“ disable them from making any disturbance in
“ the state, or eluding the law by trusts, or other-
“ wise.

Twenty-three priests suffered death. Several other priests were condemned ; but, from some circumstance or other, not executed. Mr. Thomas Goodman, one of these, was reprieved. This alarmed the lords and commons : they met in conference ; deprecated his reprieve ; and called for his execution. His majesty sent a message to them, that, “ having informed himself of the names and
“ nature of the crimes of the persons convicted, he
“ found, that John Goodman was condemned for
“ being in the order of a priest merely ; and was
“ acquitted of every other charge ; his majesty,
“ therefore, was tender of matters of blood, in cases
“ of this nature, in which queen Elizabeth and
“ king James had been often merciful ; but, to
“ secure to his people, that this man should do no
“ more hurt, he was willing that he should be
“ imprisoned, or banished, as their lordships should

“devise;” and assured them, that “he would take such fit course for the expulsion of other priests and jesuits, as he should be advised by their lordships.”

This did not satisfy the two houses. They immediately presented a remonstrance to the throne, —praying that Goodman might suffer, and that the laws enacted should be executed against all other priests in the kingdom. They waited on the king with this prayer. The humane monarch repeated his observation, that, “the only crime objected to Mr. Goodman, was, his being a priest; and that both queen Elizabeth and king James avowed, that, in their reigns, no one had been executed for religion only;” and returned the case to them for further consideration.

The next day, the king communicated to the house the following petition, which he had received from the condemned priest.

“To the king’s most excellent majesty :

“The humble petition of John Goodman,
“condemned :

“Humbly sheweth,

“That, whereas your petitioner has been informed of a great discontent of many of your majesty’s subjects, at the gracious mercy your majesty was pleased to show unto your petitioner, by suspending the execution of the sentence of death, pronounced against him for being a Romish priest,—this is humbly to solicit your majesty, rather to remit your petitioner to their mercy, than to let him live the subject of so

“ much discontent in your people against your
“ majesty.

“ This is, most sacred majesty, the petition of
“ him, who should deem his blood well shed, to
“ cement the breach between your majesty and
“ your subjects upon this occasion.”

The magnanimity of this petition greatly moved the king ; and seemed to soften the parliament into some sentiments of humanity. Mr. Goodman was not executed. After remaining in prison five years, he died, on the felons' side, in Newgate.

Two years after this event, seven other priests were condemned for their sacerdotal character, but reprieved. Both houses of parliament joined in a petition, that his majesty would take off the reprieve,—and order them for execution. The king replied from York,—“ concerning the condemned
“ priests,—it is true that they were reprieved by
“ our warrant ; being informed that they were, by
“ some restraint, disabled to take the benefit of our
“ proclamation. Since that, we have issued out
“ another warrant for the execution of the laws
“ against papists, and have most solemnly pro-
“ tested, upon the word of a king, never to pardon
“ any priest without your consent, who shall be
“ found guilty by law, desiring to banish them ;
“ having herewith sent our warrant for that pur-
“ pose, if, upon second thoughts, you do not dis-
“ approve thereof ; but, if you think the execution
“ of these persons so very necessary to the great
“ and pious work of reformation, we refer it wholly

“ to you ; declaring hereby, that, upon such our
“ resolution, signified to the ministers of justice,
“ the warrant for their reprieve shall be determined,
“ and the law have its course.” This unexpected
message disconcerted the parliament, who did not
wish the odium of persecution should lie on them-
selves ; and the priests were permitted to linger
out their lives in Newgate.

Mr. Berington, in his Supplement to the Memoirs
of Panzani, justly remarks, that “ of the priests
“ who suffered death, and of many others who
“ died in prison, he did not find one, against whom
“ any other crime was alleged, than to have re-
“ ceived orders abroad and to have returned to
“ England ; which, by the statute of the 27th of
“ Elizabeth, was made high treason. In 1652,”
continues the same writer, “ Mr. Roe, a catholic
“ priest, as he stood in the cart, thus addressed the
“ sheriff :—‘ Pray, sir, if I conform to your religion,
“ will you secure me, my life ?’—‘ That I will,’ said
“ the sheriff, ‘ upon my word : my life for yours,
“ if you will but do that.’—‘ See then,’ observed Mr.
“ Roe, turning to the people, ‘ what the crime is,
“ for which I am to die ; and whether my religion
“ be not my only treason.’ ”

In the time of which we are now speaking, a
new form of persecuting the catholics was devised,
and incessantly carried into execution. A multi-
tude of officers, under the name of pursuivants,
were authorized, almost at their pleasure, to appre-
hend catholics or suspected catholics ; to take them

before the magistrates; to enter and search their houses; and to seize their books*, and every other kind of property, which they imagined might be used for any rite of catholic worship, or for any kind of catholic devotion. The pursuivants exceeded, on many occasions, the authority delegated to them, and even the wishes of their employers. But the catholics had no redress.—Of the various grievances which the laity suffered during this period, this was the most extensively felt. Every rank of life was equally subject to these domiciliary visits, and to the insolence and unfeeling aggravations which usually accompanied them.

The sufferings of the catholics, during this period, no tongue, it may be truly said, can adequately tell.

By the ordinances of 1643, two third parts of the real and personal estates of every papist were sequestered; and ordered to be sold, or otherwise disposed of, for the public use. Commissioners were appointed and authorized to interrogate papists upon oath; to employ agents under them; with power, either by themselves or their agents, to force houses and break open locks, on any probable grounds; and to reward informers with one shilling in the pound of the property discovered.

* To this, the extreme rarity of catholic books, published between the reformation and the revolution, should be attributed. The attention of the writer has been given to the subject of these pages during many years; he has spared neither labour nor expense to procure the works of catholic writers which relate to it; but the number of those, which he has been able to acquire, is, as he fears the reader too frequently observes, extremely small.

After the papists had, during seven years, been pillaged by the presbyterians, the independents came into power; and subjected them to new sequestrations. Mr. Austin, a catholic lawyer of eminence, a polite scholar, and a very religious man,—a witness also of the afflicting scene,—thus describes it, in his *Christian Moderator**.

“As for the single recusants, two thirds of their estates are seized upon, only for the cause of religion; under which notion are included all such as were heretofore convicted of not resorting to common prayers; or do now refuse the oath of abjuration, a new oath, made by the two houses, when the former kind of service was abolished, wherein the practice is strangely severe; for upon bare information, the estate of the suspected is secured; that is, his rents, &c. suspended, before any trial, or legal proof, even in these times of peace; and, being once thus half condemned, he has no other remedy to help himself, but by forswearing his religion, and so by an oath, a thousand times harsher than that *ex officio*, they draw out of his own mouth his condemnation..

“When the sequestrators have thus seized into their hands two thirds of the most innocent recusants’ lands and goods, then come the excisemen, tax-gatherers, and other collectors, and pinch away no small part of the poor third penny that was left them; so that, after these deductions, I have known some estates of three hundred

* Published by him, under the name of William Birchley, part i. p. 9.

“ pounds a year, reduced to less than threescore,
“ a lean pittance to maintain them and their chil-
“ dren, being persons for the most part of good
“ quality and civil education. And as for priests,
“ it is made as great a crime to have taken orders
“ after the rites of their church, as to have com-
“ mitted the most heinous treason that can be
“ imagined; and they are far more cruelly pu-
“ nished than those that murder their own parents.

“ Besides these extreme and fatal penalties that
“ lie upon the recusants, merely for their con-
“ science, there are many other afflictions, whereof
“ few take notice; which, though of lesser weight,
“ yet, being added to the former, quite sink them
“ down to the bottom of sorrow and perplexity;
“ as their continual fear of having their houses
“ broken open and searched by pursuivants, who
“ enter at what hours they please, and do there
“ what they list, taking away not only all the in-
“ struments of their religion, but oftentimes money,
“ plate, watches, and other such popish idols,
“ especially if they be found in the same room
“ with any pictures, and so infected with a relative
“ superstition.

“ Another of their afflictions is, that they, (I mean
“ these single recusants,) have no power to sell or
“ mortgage the least part of their estates; either
“ to pay their just debts, or defray their necessary
“ expenses, whereby they are disabled of all com-
“ merce; and, their credit being utterly lost, (upon
“ which many of them now provide even their
“ daily bread), they must needs, in a short time,

“ be brought to a desperate necessity, if not absolute ruin ; and if any, the most quiet and moderate amongst them, should desire to transplant themselves into a milder climate, and endeavour to avoid the offence that is taken against him, in his own country, he cannot so dispose of his estate here, as by bill of exchange, or any other way, to provide the least subsistence for himself and his family : a severity, far beyond the most rigid practice of the Scotch kirk ; for there, (as I am informed), the persons of recusants are only banished out of the kingdom, and prohibited to reside at their own homes above forty days in a year, which time is allowed them for the managing of their estates ; and their estates allowed them for their maintenance abroad : a proceeding which their principles would clearly justify, if they could justify their principles. But in England, where compulsion on the conscience is decreed as the worst of slaveries, to punish men so sharply for matters of religion, contrary to the principles publicly received, is a course that must needs beget, over all the world, a strong suspicion and prejudice against the honour and reputation of that state, which, at the same time, can practise such manifest contradictions.

“ To this deplorable condition are the English catholics now reduced ; yet they bear all, not only with patience, but even silence ; for amongst the printed complaints so frequent in these times, never any thing hath been seen to proceed from them ; though always the chief, and now the

“ sole sufferers, for their consciences, except, (not
 “ to be altogether wanting to themselves), some
 “ modest petitions, humbly addressed to the par-
 “ liament, though such hath been their unhappi-
 “ ness, that more weighty affairs have still disap-
 “ pointed their being taken into consideration ;
 “ else, were they admitted to clear themselves of
 “ the mistakes and scandals unjustly imputed to
 “ them, they would not doubt fully to satisfy all
 “ ingenuous and dispassionate men, nay, even
 “ whomsoever that were but moderately prejudiced
 “ against them.”

It has been stated, that, during the reign of Charles the first, twenty-three priests were executed for the exercise of their sacerdotal functions. Two others suffered ; one before, and one in the first year of the protectorate. The latter, John Southworth*, was a man highly respected by the catholics. From the fatal cart he addressed the multitude in a very modest speech, and concluded it in the following terms :—

“ My faith is my crime ;—the performance of
 “ my duty, the occasion of my condemnation.—
 “ I confess I am a great sinner.—Against God
 “ I have offended ; but I am innocent of any sin
 “ against man ;—I mean the commonwealth and
 “ present government. How justly then I die, let
 “ them look to who have condemned me. It is
 “ sufficient for me that it is God’s will. I plead
 “ not for myself, (I came hither to suffer,) but for

* Dr. Challoner’s *Memoirs of Missionary Priests*, vol. ii. p. 354.

“ you poor persecuted catholics, whom I leave
“ behind me. Heretofore, liberty of conscience
“ was pretended as a cause of war; and it was
“ held a reasonable proposition, that all the natives
“ should enjoy it, who should be found to behave
“ themselves as obedient and true subjects. This
“ being so, why should their conscientious acting,
“ and governing themselves according to the faith
“ received from their ancestors, involve them more
“ than all the rest in an universal guilt?—which
“ conscientiousness is the very reason that clears
“ others, and renders them innocent. It has pleased
“ God to take the sword out of the king’s hand,
“ and put it in the protector’s.—Let him remember,
“ that he is to administer justice indifferently, and
“ without exception of persons; for there is no
“ exception of persons with God, whom we ought
“ to resemble. If any catholics work against the
“ present government, let them suffer. But why
“ should all the rest, who are guiltless (unless con-
“ science be their guilt), be made partakers in a
“ promiscuous punishment with the greatest male-
“ factors? The first rebellion was of the angels.
“ The guilty were cast into hell; the innocent re-
“ mained partakers of the heavenly blessings.”

Here, being interrupted by some officers, desir-
ing him to make haste,—“ he requested all pre-
“ sent, that were catholics, to pray for him and
“ with him. Which done, with hands raised up to
“ heaven, and eyes (after a short prayer in silence)
“ gently shut,—thus devoutly demeaned, he ex-
“ pected the time of his execution, which imme-

“diately followed ; and which he suffered with
“unmoved quietness ; delivering his soul, most
“blessedly, into the hands of his most loving
“God, who died for him ; and for whose sake he
“died.”

CHAP. LXII.

LOYALTY OF THE ENGLISH CATHOLICS DURING
THE CIVIL WAR, AND THE USURPATION:—NEW
PROFESSION BY THEM OF ALLEGIANCE AND
CIVIL PRINCIPLES CONDEMNED BY INNOCENT
THE TENTH.

THE history of the English catholics during the reign of Charles the first, affords a view at once pleasing and affecting, of the undeviating rectitude of their conduct towards their sovereign and the state, and of the persecutions which they suffered from all parties : it affords also a fresh instance of obstacles too successfully thrown in the way of their endeavours to obtain some relaxation of the penal code, by an unequivocal disclaimer of the pope's deposing power, and some other obnoxious tenets.

LXII. 1.

Loyalty of the English Catholics.

FROM the commencement of the reign of Elizabeth, till the time, of which we are now writing, attempts were unceasingly made to fix on the

English catholics the odious charge of disloyalty : Charles the first knew it to be wholly groundless, but too often acted as if he believed it. Undeviatingly, however, the catholics persevered in duty and loyalty.

Soon after the commencement of the contest between the monarch and his parliament, the latter obtained the command of the public money : from this time, the wants of the king were chiefly supplied from the private purses of his loyal subjects. The catholics contributed largely to them, by voluntary subscriptions, and, on several occasions, by advancing to him two or more years of their annual assessments or compositions for recusancy : and “ no sooner was the standard of loyalty erected,” says Dr. Milner*, “ and permission given for catholics to serve under it, than the whole nobility of that communion, the Winchesters, the Worcesters, the Dunbars, the Bellamonts, the Carnarvons, the Powises, the Arundels, the Fauconbergs, the Molineuxes, the Cottingtons, the Montagues, the Langdales, &c. with an equal proportion of catholic gentry and yeomanry, were seen flocking round it, impatient to wash away, with their blood, the stain of disloyalty, which they had been unjustly constrained to suffer, during the greater part of a century—that is, ever since the accession of Elizabeth. Those catholics, who were possessed of castles and strong holds, turned them into royal fortresses ; and the rest of them raised what money their estates could afford, in

* Letters to a Prebendary, letter vii.

“support of the king and constitution. We may judge of their exertions in this cause by their sufferings in it.” Mr. Dodd* refers to a list before him,—(and it is confirmed by authentic documents),—of six lieutenant-generals, eighteen colonels, sixteen lieutenant-colonels, sixteen majors, sixty-nine captains, fourteen lieutenants, five cornets, fifty gentlemen volunteers, all catholics, who lost their lives, fighting in the field for the royal cause. The whole amount of the noblemen and gentlemen, who thus perished on the side of the king, was estimated at five hundred; thus nearly two-fifths of them were catholics;—and this considerably exceeded the proportion, which the number of the catholics were at this time to that of the protestants of the same rank in society.

Several contemporary writers among the protestants did justice to the conduct of the catholics. “It is a truth beyond all question,” says Dr. Stanhope†, “that there were a great many noble, brave, and loyal spirits of the roman-catholic persuasion, who did, with the greatest integrity, and without any other design than satisfying conscience, adventure their lives in the war for the king’s service;” and that “several, if not all of these men, were of such souls, that the greatest temptation in the world could not have perverted or made them desert their king in his greatest miseries.”

* Hist. vol. iii. part vi. art. v.

† “The surest Establishment of the Royal Throne,” p. 30, cited by Dodd, vol. iii. p. 31.

“ The English papist,” says another writer*, “ for his courage and loyalty in the first war, deserves to be recorded in history : and perhaps this may be worthy of notice ; that, whenever the usurper, or any of his instruments of blood or sycophancy, resolved to take away the life or estate of a papist, it was his loyalty, not his religion, that exposed him to their rapine and butchery.”

Other protestants have not done so much justice to the catholics : perhaps the reader will be of opinion, that lord Clarendon should have said more of their fidelity to Charles the second, after the defeat of the royal army at Worcester, than that “ it must never be denied that some of their religion had a very great share in his majesty’s preservation†,” when he is informed, that, during the first six days after that disaster, his majesty was wholly in the hands and under the protection of the catholics. Fifty-two of that religion were apprised of the secret ; some of these were in low circumstances, but neither fear nor hope induced even one of them to swerve from his fidelity‡.

* “ State of Christianity in England, by a Protestant Clergy-man, said to be a Bishop,” p. 25 ; also cited by Dodd, in the place referred to.

† Hist. book xiii.

‡ See Dodd’s Hist. vol. iii. part vii. book i. art i.—From a manuscript, signed by father Huddleston, and by Mr. Whitgrave of Moseley, at whose house the monarch was concealed two days and two nights, Mr. Dodd gives the particulars of the monarch’s wanderings which followed the battle, and the names of the fifty-two catholics entrusted with the secret.

On the sixth day, his majesty reached the house of Mr. Lane ; from this time, he was in the hands of protestants, who served him with equal fidelity. In their praise, the noble historian is minute and eloquent ; but of the fifty-two loyal catholics, he mentions only father Huddleston, a Benedictine monk. It should be added, that, “ at this time, “ the Irish catholics were the only compact body, “ throughout the extent of the British empire, which “ had preserved, untainted and unshaken, their “ loyalty to the royal cause*.”

LXII. 2.

*New Disclaimers of the deposing Power condemned by the
See of Rome.*

It appears that†, in 1647,—at which time, considerable hopes were entertained of composing the

* Mr. Plowden’s “ Historical Memoirs,” book i. p. 119.

† The account in the text given of this transaction, to which the attention of the reader is now called, is taken from “ The History and Vindication of the Loyal Formulary, or Irish Remonstrance, so graciously received by his Majesty in 1661 ; by father Peter Walsh, of the order of St. Francis, Professor of Divinity, 1674, fol. p. 522 :”—“ The Controversial Letters on the Grand Controversy, concerning the pretended temporal authority of the Popes over the whole earth ; and the true sovereignty of kings within their own respective kingdoms ; between two English Gentlemen, the one of the church of England, the other of the church of Rome, 1674, 8vo. By Peter Gooden, a priest, educated at Lisbon, 2d edit, p. 18 :”—“ *Récueil des Pièces, touchant l’Histoire de la Compagnie de Jésus ; composée par le père*

differences between the king and the parliament; and of comprehending the English catholics in the general settlement, in case they could vindicate their principles from inconsistency with civil government,—the following three propositions were framed ;—

“ 1st. That, the pope, or the church, have power
“ to absolve all persons, of whatever quality they
“ may be, from the obedience due to the civil go-
“ vernment, established in the kingdom of England.

“ 2d. That it is lawful in itself, or by the dis-
“ pensation of the pope, to violate a promise, or
“ oath, made to a heretic.

“ 3d. That it is lawful, by the dispensation,
“ or by the commandment, of the pope, or of the
“ church, to kill, destroy, or outrage, and offend,

“ Joseph Juvenci, jésuite, 1726, 2d edit, p. 403, 413.”—“ *The Causa Valesiana, Epistolis ternis prælibata, in antecessum fusioris apologiæ, auctore F. P. Walsh, Ord. S. Francisci, Strict. Obs. S. Theologiæ Professore; Londini, 1684, 8vo.*” —and “Blackloe’s Cabal discovered in several of their letters clearly expressing designs inhumane against regulars, unjust against the laity, schismatical against the pope, and owning the nullity of the chapter, their opposition of episcopall authority; published by R. Pugh, J. U. Doctor. The second edition, enlarged in some few notes. Permissu superiorum, 1680.”—Mr. Pugh, the publisher of this work, was brought up and entered among the jesuits, but was afterwards permitted to quit the order. The publication of the private letters inserted in it, is unjustifiable: some expressions in these are censurable; but they do not warrant either the harsh expressions, which the editor applies to them, or the consequences which he draws from them. See Dodd, vol. iii. p. 288.

On Blackloe’s Cabal, vide the next chapter, s. 3.

“ in any other manner, any person whatever, or
 “ several persons, of what condition soever they
 “ be, for this reason, that they are accused, con-
 “ demned, censured, or excommunicated for error
 “ or heresy.”

Fifty-nine English catholic gentlemen, and several of the English catholic clergy, signed the negative of all these propositions.

It has been said, that the subscription of this negative was condemned by pope Innocent the tenth; and that his condemnation of it was published, and acted upon. This, after much investigation, appears to the writer of these pages, to be very doubtful; particularly, as, in a letter, addressed to the pope's nuncio at Brussels, and, like all his other works, tediously written, but abounding in curious information and strong argument, father Walsh expressly declares, that, “ whatever
 “ his judgment was, pope Innocent did not publish
 “ it, by way of bull or brief, either to the catholics
 “ of England, or any other:” and that, “ if any
 “ decree were either made or projected of that
 “ matter, in a consistory of cardinals, with the
 “ assistance and command of Innocent, and afterwards sent by him to Paris or Brussels, to the
 “ nuncio,—(as there was a report of its being sent
 “ to the nuncio at Paris),—nothing had been heard
 “ more of its publication: but it remained suppressed, according to that report, in the hands of
 “ the nuncio.” The most probable account of this transaction, appears to the writer to be contained in an interesting letter of the celebrated Dr. Holden,

published by Walsh, in his *History**. From this letter, it appears likely, that, being unwilling to permit an express denial of his deposing power, but afraid of formally asserting it, the pope signed a condemnation of the document in question, but withheld the publication of the instrument of condemnation.

It is remarkable, that father Walsh explicitly affirms in his letter to the nuncio, that the briefs, by which Paul the fifth condemned the oath of allegiance proposed by James the first, were owing to the misrepresentations made to his holiness of the contents of the oath, as the pope had been taught to believe, that it contained a denial of his right of excommunication†.

In the work intituled "*Blackloe's Cabal*," the three propositions which have been mentioned, are stated, in terms somewhat different from those in which we have presented them to the reader; but the difference appears to us to be merely verbal. The editor of that compilation has transcribed in it, an oath of allegiance, proposed by the English catholics, about this time, to be taken by them to Charles the first. This makes it probable, that both royalists and parliamentarians were then endeavouring to attract the catholics to their party.

The reader must not, for a moment suppose, that the objections of Innocent to the subscription of

* *History of the Irish Remonstrance*, p. 533. The propositions and Holden's letter were published, separately, in quarto; a copy of the publication is in the British Museum.

† *History of the Irish Remonstrance*, p. 524.

the document, expressing the negative of the three propositions, which have been mentioned, proceeded from his considering that the affirmative of the two last of those propositions was either an article of the faith of the catholic church, or a received opinion of its members. The affirmative of either proposition was never believed by catholics, or by any portion of them: this is invincibly demonstrated by the late Dr. Hay, a catholic prelate in Scotland, in his *Letter to William Abernethy Drummond* *.

It is greatly to be lamented that, when on this, and other similar occasions, the popes condemned the formularies of religious or civil opinion, which were tendered to the English catholics, or framed by them, they did not specify the particular propositions to which they objected, and confine their condemnation of the formulary to these. From their not doing it, the public, too easily, but certainly very generally, concluded, that every proposition in the formulary was condemned; and that the negative of each was, therefore, an article of the catholic creed. This could not but increase and perpetuate the great misconception of the tenets of the catholics, and the undeserved general prejudice against them.

In the dreadful state of persecution, in which the English catholics were then placed, and in which an absolute and unequivocal disclaimer of the pope's deposing power might have served them so essentially,—which disclaimer the popes actually

* Published in 1768.

tolerated in France, in Venice, and in many parts of Germany,—and which disclaimer, we must add, the universal catholic world now publicly and unreservedly professes,—was it quite just, or quite humane, for any pope to pronounce its formal condemnation? Did not the severe persecutions, under which the English catholics then groaned, point out to the common father of the faithful, that duty called on him not only not to check, but even to facilitate and to encourage every measure, which might either diminish the horrors, or abridge the term of their sufferings? Such was not his conduct, when he censured, or withheld, or even discouraged, a disclaimer of the deposing power. Far be it from the writer to describe this conduct of the popes by a single harsh word:—he *must* say it was *wrong*.

It appears from Thurloe's State Papers *, that some time after the protectorate had been conferred on Cromwell, "several consultations were had concerning the lamentable condition of the catholics living under the new government, and concerning the legal power which Cromwell meant to assume: and this seemed to be the result of them, that it was fit something should be done which might put the catholics of England in some security of their lives, and make them masters of that part of their estates and fortunes which would remain to them after a composition; and might likewise, at the same time, provide a safe living for a prelate in England, who might

* Vol. i. p. 740.

“ exercise his function there, and conserve a christian union among them.”

This was intimated to the catholics, and they thought of presenting a conciliating address to the protector. This alarmed some of the royalists ; so that, by the desire of the duke d'Aubigné, Mr. Bellings gave information of it to Charles the second : he mentions it as a proposition ready to be made, and likely to be accepted ; he intimates that it would be of infinite prejudice to the royal cause, and recommends that some measures should be immediately taken by Charles to confirm the catholics in their attachment to him, and particularly suggests that the duke of Gloucester should be educated a catholic. This suggestion Charles explicitly rejects : he mentions that the catholics deceived themselves if they thought the actual government favourable to them, and would soon find their error if they trusted to their hollow professions. —It is observable, that Charles seems to express himself as speaking from observations which he had made during a late unobserved residence by him in England.

CHAP. LXIII.

INTERNAL OCCURRENCES AMONG THE ENGLISH CATHOLICS DURING THE REIGN OF CHARLES THE FIRST.

THE amicable intercourse between the monarch and the see of Rome has been mentioned ; we have

also noticed the retirement of bishop Smith to France, and his death in 1655: we have now to give, I. Some account of the proceedings of the Chapter on that event. II. And of Blackloism,—a word, the import of which, very few if any of the readers of these pages understand, but in its time, a cry of war.

LXIII. 1.

Proceeding of the Chapter on the Death of bishop Smith.

IN 1653, a general assembly of the secular clergy, composed of deputies, fifteen in number, from all the districts of England and Wales, and presided by Dr. Harrison, the vicar-general of bishop Smith, was held, and continued sitting from the 11th to the 16th of July.

Foreseeing the approaching demise of the bishop, they deliberated on the line of conduct which should be adopted on that event, and came to a resolution, that, “if their bishop should die before
“any change of government came upon them by
“the coming in of one or more bishops or other-
“wise, all the clergy should stand in a modest
“defence of the dean and chapter, and yield due
“obedience to them.”

Soon after the prelate's decease, the same assembly met and confirmed their former resolution. It was announced to the catholic public, by an encyclical letter, addressed to them in 1660; by the dean and chapter. “By their agent at Rome,” says Mr. Berington*, “they gave an account to his

* *Memoirs of Panzani, Supplement, p. 295.*

“ holiness of the bishop’s decease, and requested
 “ to know his pleasure concerning the future go-
 “ vernment of the catholic church in England. He
 “ replied : ‘ I will not disapprove of your chapter;
 “ but will let you alone with your government *.’
 “ This was Alexander the seventh, who had lately
 “ succeeded to Innocent.

“ In the same year, 1655, the chapter despatched
 “ Mr. Plantin, a new agent, to Rome, to supplicate
 “ for a successor to bishop Smith. His holiness, in
 “ compliance with their requisition, promised they
 “ should have a bishop within seven months.”
 “ ‘ And how,’ observed the agent, ‘ shall our church
 “ be governed in the interim ?’—‘ Have you not a
 “ dean and chapter ?’ replied Alexander†.

“ These answers of the pontiff were clearly an
 “ implied approbation of the chapter’s jurisdiction.

“ Having occasion to write to Rome in the
 “ following year, the chapter, though the seven
 “ months were expired and no successor appointed,
 “ addressed a letter of thanks to his holiness for
 “ his paternal care in promising them a superior
 “ with ordinary powers‡. He had made no such
 “ promise ; but it was wise to signify the extent of
 “ their own wishes.

“ In 1657, the chapter in a general assembly

* “ An Abstract of the Transactions relating to the En-
 “ glish secular Clergy, by the rev. John Serjeant,” p. 56.
 From the preface to this work it appears that the rev. John
 Ward, the secretary of the chapter, compiled a full history of
 the affairs of the body, to be preserved in the archives of the
 chapter :—Mr. Serjeant’s work seems to be an abstract of it.

† Transactions, p. 57.

‡ Ibid.

“ nominated six persons as proper for a bishop,
“ and constituted Mr. Pendrick their agent to
“ Rome; to whom, some months after, with a
“ perseverance that became them, they gave orders
“ forthwith to wait upon his holiness, and suppli-
“ cate him in their names to make good his pro-
“ mise. Letters, likewise, to the same effect, were
“ sent to the protector Barberini. The instructions
“ to the agent were; first, to desire a bishop with
“ the power of a prelate in ordinary; secondly,
“ that they dare not accept of any extraordinary
“ authority, which would be against the laws of
“ their catholic ancestors, and the will of the state;
“ thirdly, that the bishop be chosen out of the six
“ named by the chapter; fourthly, that, if any other
“ person, or authority, contrary or inconsistent
“ with this, be endeavoured to be imposed, he
“ should resolutely oppose it; and, in the name of
“ the chapter, protest against it; first, because
“ the ancient laws of England admit of no extra-
“ ordinary power of the pope; secondly, because
“ there is a severe penalty, called a *præmunire*,
“ against those, that shall receive any such; thirdly,
“ that, in the reign of Henry the eighth, the clergy,
“ by reason of this, were compelled to renounce
“ the pope’s authority; fourthly, that all the laity
“ will fall under the same *præmunire*; and there-
“ fore, fifthly, that the chapter think themselves
“ bound in conscience to acquaint the laity of the
“ danger to which they will be exposed, by ac-
“ cepting such an authority; lastly, that the state
“ is already too jealous of any intrenchment from

"the power of the court of Rome: the chapter, therefore, dares not receive any superior but an ordinary bishop.

"These manly sentiments, thus forcibly expressed," says Mr. Berington, "tell us, what then was the conviction of the clergy, and how true they were to the firm conduct of their ancestors. In what softer shades of colouring, the resolutions were conveyed to his holiness, we do not learn; but we learn, that no change was made, and that the promise to be fulfilled in seven months remained unexecuted. In 1659, Dr. Gage was appointed agent."

LXIII. 2.

Blackloism.

THE generous contributions of the English catholics, to enable Charles the first to answer the exigencies of his government, have been mentioned: such a contribution was particularly solicited by the queen in 1639, when the monarch advanced with his army to reduce the Scottish invaders. By a letter, generally circulated among the catholics, she observed, that "it became her, who had so often solicited benefits for them, to be furnished with proof of their gratitude: under this impression, she recommended to them her earnest desire, that they should assist and serve his majesty by a considerable sum of money; she informs them that she should be sensible of it, as a particular respect to herself; and assures them that she should

“ exert herself to improve the merit of it, in his “ eyes.” In consequence of this representation, a meeting of several ecclesiastic and lay catholics of distinction was held at London : the contribution was there resolved on and recommended, and the carrying of it into execution was entrusted to sir Kenelme Digby and Mr. Montague. The parliament having expressed displeasure at it, the queen excused it by a letter written with address, dignity, and delicacy *.

Sir Kenelme Digby, whom this circumstance brought into public notice, was the son of sir Everard Digby, one of the persons executed for the gunpowder conspiracy. Though he was born of catholic parents, he was educated a protestant, but, soon after he attained the years of manhood, embraced the catholic religion. This produced a correspondence between him and archbishop Laud, and another between him and lord Digby : they were published, and much read and admired,—the partisans on each side extolling their champion and pronouncing him victorious. Sir Kenelme was eminently learned, and spoke fluently six languages. He was singularly graceful in his person, and elegant in his manners. During the civil wars, he was distinguished by his loyalty, and obliged to quit England ; he then resided for some time in

* See the particulars in Rushworth, Hist. Coll. part ii. p. 820, 821, 822, 823, 824.—The letter from the pope to his nuncio, a translation of which is inserted by Rushworth, must be spurious ; Rushworth himself appears to question its authenticity.

France ; after the death of Charles, Henrietta-Maria, the queen relict, appointed him her chancellor.

In the mean time, he had formed an intimacy with Mr. Thomas White, a secular priest of the church of Rome, of irreproachable manners and great learning, and a profound philosopher, but an obscure, and at least, on some occasions, an inaccurate writer. Their friendship was cemented by their common admiration of the Aristotelian philosophy, of its occult qualities, and its accidents existing independently of substance ; and by their common rejection of the Cartesian philosophy and the principles of Hobbes. But each was esteemed by Descartes, and Hobbes admired White ; “ though,” says Wood* ; “ they seldom parted in cool blood. For they would wrangle, squabble, and scold about philosophical matters, like young sophisters, though both of them were eighty years of age.”—White was also esteemed by the celebrated Chillingworth.

One of the controversies, in which White was engaged, respected the state of souls between death and the general judgment. The late archdeacon Blackburne, in his “ Historical View of the Controversy concerning an Intermediate State,” mentions, with great praise, the abilities and precision of two treatises written by White on this subject ; but seems to admit that the consequences, deducible from his system, are not reconcileable with the catholic doctrine of purgatory. In 1666, one of

* Ath. Oxon. vol. ii. p. 225.

them attracted the notice of the house of commons*, as "a book tending to atheism, blasphemy, " and profaneness, and impugning the essence and " attributes of a God." It does not appear that the house proceeded to further measures against White. To conceal his real name, which catholic priests often did in those times, White assumed, in some of his publications, that of Blackloe; by this he was generally known, and from this circumstance, his adherents received the appellation of Blackloists.

After the king's affairs were totally ruined, sir Kenelme Digby returned to England to compound for his estate. This he was allowed to do, but on very hard terms; and, by an order of parliament, he was expelled from the kingdom, with an injunction not to return to it, without the permission of the parliament, under the penalty of forfeiting both his life and his estate. Upon this, he returned to France, and was kindly received by Henrietta-Maria, and afterwards sent by her, in the quality of an ambassador, to Rome. The secular clergy of England availed themselves of his residence in that city, to negotiate with his holiness for their favourite object, the appointment of a bishop. This, sir Kenelme, in their name, earnestly solicited. In the printed correspondence, intituled "Blackloe's "Cabal," several letters from him, from White, and from Dr. Holden, a celebrated English theologian residing at Paris, are inserted; they show how ardently the appointment of a bishop was desired by

* See Journal, 17 Oct. 18 Car. II.

the clergy, and how strongly they felt the reluctance of the Roman see to grant it. They were advised to apply to the prelates of the neighbouring kingdom, and to prevail on these to ordain bishops for them. This design was represented by the opponents to the prelatie scheme as criminal; they made it a matter of severe reproach to the Blackloists, and particularly to sir Kenelme, White, and Holden, as their leaders. But were they really censurable on this account? The measure was never adopted; it was scarcely discussed by them seriously; besides, it was never their intention that the bishop, so to be ordained, should exercise his functions until he was accepted and confirmed by the see of Rome,—which, in all their writings, the Blackloists allow to be the centre of catholic unity, and supreme in ecclesiastical authority. On this ground it may be contended that, though the proposal was indiscreet, and probably would have been found impracticable, it was not, strictly speaking, opposite to the discipline of the church. Sir Kenelme entered warmly into the views and feelings of the clergy, and expressed himself in strong terms of the justice of their claim, and the propriety of acceding to it. This offended the pope, and sir Kenelme quitted Rome: some of his letters discover that he was sensibly hurt at the little regard which was shown to the object of his mission, and the solicitations of his respectable constituents.

He appears to have returned to London about 1655. Cromwell had assumed the sovereign power, and sir Kenelme made his peace with him. The attempt to effect an accommodation between the

catholics and the long parliament, has been mentioned; the negotiation between them and Cromwell has also been noticed; the latter had been preceded by a negotiation between the catholics and the independents. Into this, the Blackloists, (for sir Kenelme, White, and Holden were then known by that name,) warmly entered.

To further their success, White published a work then generally read, intituled—" *The Grounds of Obedience and Government.*" The object of it was to prove " that the people, by the evil management or insufficiency of their governor, are remitted to the force of nature to provide for themselves, and not bound by any promise made to their governor;—that the magistrate, by his miscarriage, abdicates himself from being a magistrate, and proveth a brigand or robber, instead of a defender; that, though he be innocent, and wrongfully deposed, and totally dispossessed, still it were better for the common good to stay as they are, than to venture the restoring him, because of the public hatred." It is evident, that these principles were intended to apply to extreme cases only; and that, when they are so applied, they are warranted by the received whiggish theory of resistance, and the writings both of Mariana and Persons.

We have mentioned the work on the Middle State, which exposed White to censure: it is said, however, to have been praised by Mabillon*. This work, his *Institutiones Sacræ*, and one published by him under the title of *Rushworth's Dialogues*, exposed

* Chalmers, art. White.

him to persecution and obloquy : " These works," says Mr. Dodd, " having given great offence, and " the see of Rome being made acquainted with their " pernicious tendency,—(especially when White " had attacked the pope's personal infallibility,)—" they were laid before the inquisition, and censured " by a decree of that court." Doctor Holden, Mr. Clifford, and Mr. Carr, all of whom were friends to White, thought him too severely dealt with, but exhorted him to submit to the censure and condemn the errors, which it imputed to him. This he did, in a solemn instrument, by which he professed " to submit all his divinity writings to the " church and see apostolic*."

* One of the best friends of White was Mr. John Serjeant, a secular clergyman, of great celebrity in his day. In the course of a long life, (for he died at the advanced age of eighty-six), he published forty-one polemic works; the greater part of them, against different distinguished members of the protestant communion; but some, in his own defence, against attacks made upon him by catholics. An instructive and interesting account of his literary career, written by himself, is inserted in the second and third volumes of a catholic journal †, and deserves the perusal of the reader. By his zeal in the defence of the secular clergy, and particularly of their chapter, of which he was secretary; by his exhortations to the catholics to acknowledge the commonwealth and the protector; by his disclaimer of the deposing doctrine, and his connexions with White, he was ranked among the Blackloists, and shared in the obloquy, which, (generally at least), without their deserving it, was poured upon them. Against the objections made to his own writings, he defended himself vigorously, and the writer believes successfully, till, towards the close of his life, when he fell into a nervous irritation of mind and body, and then said and wrote many things which gave

† " The Catholicon, or, the Christian Philosopher, 8vo. 1816."

Dr. George Leyburn, a warm and active adversary of White, was, at this time, president of the English college at Douay : he addressed a letter to Dr. Holden, in which he declared that he was not satisfied with the submission made by Mr. White, as it seemed to import, a " submission, not to the " holy see singly, but to the holy see conjointly " with the church ; which conjunction," said Dr. Leyburn, " for as much as it concerns our present " intent, happeneth only in a general council law- " fully called." This being communicated to White, he immediately signed a second formula of submission, in which, after noticing the objection which had been made to the former, he says, " I " therefore now do ingenuously and freely declare " and profess, that it is my opinion and judgment, " that all catholics ought in heart, and in all hu- great concern to his friends. It is observable, that in his account of himself, he does not mention these altercations.

His only work now sought for, is his " Reflections on the " Oaths of Supremacy and Allegiance," a small but valuable treatise* : he understands by the former oath, that prescribed by queen Elizabeth ; by the latter, the oath prescribed by James : he shows, with great clearness, that the oath of supremacy cannot be conscientiously taken by the roman-catholics, and that the oath of allegiance, though in other respects defensible, was substantially objectionable, from its declaring the deposing doctrine to be heretical : " Any other ill names," Serjeant says, " the objectors will be content to give it ; but " they dare not swear it heretical, because the catholics know " that it cannot be called heretical according to the notion " of that term, universally received among them,—viz. that " the contrary is evidently in scripture, or condemned by the " church."

* " Reflections upon the Oath of Supremacy and Allegiance. By a Catholic Gentleman, an obedient Son of the Church, and loyal Subject to his Majesty. 1661." 12mo.

"military and obedience, to submit their divinity
 "writings, not only to the holy church in common,
 "and in a general council, where the pope may be
 "in person, or by his deputies, but also to the par-
 "ticular see of Rome, and to St. Peter's successor,
 "the pope, even out of a general council; which,
 "as I have always done in my heart, so do I now
 "likewise, actually and willingly submit all my
 "writings to the particular see of Rome, and St.
 "Peter's successor, the pope, even out of a gene-
 "ral council; and this, according as my opinion
 "and belief has ever taught me, ratifying and
 "confirming to this effect, all the contents of my
 "former submission." Even this unqualified and
 absolute submission did not satisfy Dr. Layburn,
 and the other adversaries of White. They extracted
 from his *Institutiones Sacrae*, twenty-two proposi-
 tions, and laid them before the university of Douay;
 and, in 1660, that university formally condemned
 them. A censure of them was also subscribed by
 twenty clergymen of the college, and another cen-
 sure by twenty-six other clergymen: the latter
 boldly declared, that, "from their hearts, they abo-
 "minated and execrated the work written in the
 "English language by White, during Cromwell's
 "protectorate, on Obedience and Government."

The humble submission of White was however
 as persevering as the attacks of his enemies.—In
 1662, he addressed a letter to the pope, renewing
 his former submissions,—and explicitly professing,
 that, "if his holiness should proceed to the punish-
 "ments mentioned in the decree of the inquisition,
 "without any further form of law, he would not

“ contend, but undergo them with as much humility and patience as he was able.” Beyond this, the submission of the most docile child of the church could not go :—and, in these sentiments, he died at the advanced age of ninety-four years : “ By his death,” says Wood, “ the roman-catholics lost an eminent divine from among them ; “ and it hath been a question among some of them, “ whether ever any secular priest of England went “ beyond him in philosophical matters.”—We have mentioned his adversaries : it should be added, that he had, both among catholics and protestants, several warm and respectable friends. Among the latter, none defended him without limitation : but, while they admitted his frequent obscurity, and occasional inaccuracy, they confidently asserted, that his writings contained little substantially wrong.

Even after his decease, Blackloism continued to be a word of war. Inconsiderately it was too often given to every clergyman who advocated the appointment of a bishop in ordinary, who disbelieved the pope’s personal infallibility, who declared against his deposing power, who recommended allegiance to the powers that were, who rightfully or wrongfully resisted any pretension of the regulars, or who argued against any ultramontane extravagance.—But after having strutted and foamed its little hour, Blackloism ceased to be mentioned, and Jansenism became the order of the day.

A P P E N D I X.

NOTE I; referred to in p. 93.

The Account of the Gunpowder Conspiracy, transmitted by the British Government to its Foreign Ministers.

(From Winwood's Memorials, vol. ii. p. 170.)

The Earl of Salisbury to Sir Charles Cornwallis.*

" Sir Charles Cornwallis, 9th Nov^r 1605.

" **I**T hath pleased Almighty God out of his singular
" goodness, to bring to light the most cruel and
" detestable conspiracy against the person of his ma-
" jesty and the whole state of this realme, that ever was
" conceived by the hart of man, at any time or in any
" place whatsoever. By the practice there was intended
" not only the extirpation of the king's majesty and his
" royal issue, but the whole subversion and downfall of
" this estate; the plott being to take away at one in-
" stant the king, queen, prince, councell, nobillitie,
" clergie, judges, and the principall gentlemen of the
" realme, as they should have been altogether assembled
" in the Parliament House in Westminster, the 5th of
" November, being Tuesday. The meanes how to have
" compassed so great an acte, was not to be performed
" by strength of men or outward violence, but by a secret
" conveyance of a great quantitie of gunpowder in a
" vault under the upper house of parliament, and soe to

* Ex Bibliothec. Cott.

" have blowne up all at a clapp, if God out of his mercie
 " and just revenge against so great an abomination had
 " not destined it to be discovered, though very miracu-
 " lously, even some twelve houres before the matter
 " should have been put in execution. The person that
 " was the principall undertaker of it, is one Johnson, a
 " Yorkshire man, and servant to one Thomas Percy, a
 " gentleman pensioner to his majestie, and a near kins-
 " man to the earl of Northumberland.

" This Percy had, about a year and a half agoe, hyred
 " a part of Vyniard House in the old Palace, from
 " whence he had access into this vault to lay his wood
 " and cole; and as it seemeth now, had taken this place
 " of purpose to work some mischief in a fit time. Hee
 " is a papist by profession, and so is his man Johnson; a
 " desperate fellow, who of late years he took into his
 " service. Into this vault Johnson had at sundry times
 " very privately conveyed a great quantity of powder,
 " and therewith filled two hogsheds, and some thirty-
 " two small barrells; all which he had cunningly covered
 " with great store of billets and faggots; and on Monday,
 " at night, as he was busie to prepare his things for
 " execution, was apprehended in the place itself, with a
 " false lanthorne, booted and spurred. There was like-
 " wise found some small quantitie of fine powder for to
 " make a trayne, and a peece of match, with a tinder-
 " box to have fyred the trayne when he should have
 " seen time, and soe to have saved himself from the
 " blowe, by some half an houre's respitt that the match
 " should have burned.

" Being taken and examined, he resolutely confessed
 " the attempt, and his intention to put it in execution
 " (as is said before) that very day and hower, when his
 " majestie should make his oration in the upper house.
 " For any complices in this horrible acte, he denyeth
 " to accuse any; alledging, that he had received the

“ sacrament a little before of a priest, and taken an oath
“ never to reveale any ; but confesseth that he hath been
“ lately beyond the seas, both in the Lowe Countries
“ and France, and there had conference with diverse
“ English priests ; but denyeth to have made them ac-
“ quainted with this purpose.

“ It remaineth that I add something, for your better
“ understanding how this matter came to be discovered.
“ About eight days before the parliament should have
“ been begunn, the lord Mounteagle received a letter
“ about six o'clock at night, (which was delivered to
“ his footman in the dark to give him), without name or
“ date, and in a hand disguised ; whereof I send you a
“ copy, the rather to make you perceive to what a
“ straight I was driven. As soon as hee imparted the
“ same unto mee, howe to govern myself, considering
“ the contents and phrase of that letter, I knew not ; for
“ when I observed the generallitie of the advertizement
“ and the style, I could not well distinguish whether it
“ were frenzie or sporte ; for from any serious ground I
“ could hardly be enduced to believe that that pro-
“ ceeded, for many reasons ; first, because noe wise man
“ could think my lord to be soe weake as to take any
“ alarme to absent himself from parliament upon such
“ a loose advertizement ; secondly, I considered, that if
“ any such thing were really intended, that it was very
“ improbable that only one nobleman should be warned,
“ and no more. Nevertheless, being loath to trust my
“ owne judgment alone, and being alwaies inclined to
“ do too much in such a case as this is, I imparted the
“ letter to the earl of Suffolk, lord chamberlain, to the
“ end I might receive his opinion ; whereupon, perusing
“ the words of the letter, and observing the writing
“ (that the blowe should come without knowledge who
“ hurt them), we both conceived, that it could not be
“ more proper than the time of parliament, nor by any

“ other way like to be attempted than with powder,
“ whilst the king was sitting in that assembly; of which
“ the lord chamberlain conceived more probability,
“ because there was a great vault under the said cham-
“ ber, which was never used for any thing but for some
“ wood and cole, belonging to the keeper of the old
“ palace. In which consideration, after we had im-
“ parted the same to the lord admirall, the earl of
“ Worcester, the earl of Northampton, and some others,
“ we all thought fitt to forbear to impart it to the king
“ untill some three or four daies before the sessions.
“ At which time we shewed his majestie the letter,
“ rather as a thing we would not conceale, because it
“ was of such a nature, than anything perswading him
“ to give further credit unto it untill the place had been
“ visited.

“ Whereupon his majestie, who hath a naturall habitt
“ to contemne all false fears, and a judgment so strong
“ as never to doubt any thing which is not well war-
“ ranted by reason, concurred thus farr with us, that
“ seeing such a matter was possible, that should be
“ done which might prevent all danger or nothing at all.
“ Hereupon it was moved, that till the night before his
“ coming, nothing should be done to interrupt any pur-
“ pose of theirs that had any such develish practize, but
“ rather to suffer them to goe on till the end of the day.
“ And so Monday in the afternoon, the lord chamber-
“ lain, whose office is to see all places of assembly put
“ in readiness when the king's person should come,
“ takeing with him the lord Mounteagle, went to see
“ all the places in the parliament house, and took also
“ a slight occasion to peruse the vault; where finding
“ only pyles of billets and faggots heaped up, his lord-
“ ship fell inquiring only who owned the same wood,
“ observing the proportion to be somewhat more than
“ the house keeper was likely to lay in for his own use :

“ and when answer was made that it belonged to one
“ Mr. Percy, his lordship straight conceived some sus-
“ picion in regard of his person; and the lord Mount-
“ eagle takeing some notice, that there was great pro-
“ fession between Percy and him, from which some
“ inference might be made that it was the warning of a
“ friend, my lord chamberlain resolved absolutely to
“ proceed in a search, tho’ no other materials were
“ visible. And being returned to the court, about five
“ o’clock took me up to the king and told him, that tho’
“ he was hard of belief that any such thing was thought,
“ yet in such a case as this, whatsoever was not done to
“ put all out of doubt was as good as nothing. Where-
“ upon it was resolved by his majestie, that this matter
“ should be so carried as no man should be scandalized
“ by it, nor any alarme taken for any such purpose. For
“ the better effecting whereof, the lord treasurer, the
“ lord admirall, the earl of Worcester, and we two,
“ agreed, that sir Thomas Knevelt should, under a pre-
“ text for searching for stollen and imbezzelled goods,
“ both in that place and other houses thereabouts,
“ remove all that wood, and so to see the plaine ground
“ under it.

“ Sir Thomas Knevelt going thither about midnight,
“ unlook’d for, into the vault, found that fellowe Johnson
“ newly come out of the vault, and without asking any
“ more questions, stay’d him; and having noe sooner re-
“ moved the wood, he perceived the barrells, and soe
“ bound the catiffe fast; who made no difficultie to ac-
“ knowledge the acte, nor to confess clearly, that the
“ morrow following it should have been effected. And
“ thus have you a true narration from the beginning
“ of this, which hath been spent in examinations of
“ Johnson, who carrieth himself without any feare or
“ perturbation, protesting his constant resolution to have
“ performed it that day, whatsoever had come of it;

“ principally for the institution of the roman religion,
“ next out of hope to have dissolved this government,
“ and afterwards to have framed such a state as might
“ have served the appetite of him and his complices.
“ And in all this action he is noe more dismayed, nay
“ scarce any more troubled, than if he were taken for a
“ poor robbery upon the highway. For notwithstanding
“ he confesseth all things of himself, and denyeth not to
“ have some partners in this particular practize, (as well
“ appeareth by the flying of divers gentlemen upon his
“ apprehension, knowne to be notorious recusants), yet
“ could noe threatening of torture draw from him any
“ other language than this, that he is ready to dye, and
“ rather wisheth ten thousand deaths, than willingly to
“ accuse his master or any other; until by often reiterat-
“ ing examinations, wee pretending to him that his
“ master was apprehended, he hath come to plaine con-
“ fession, that his master kept the key of that cellar
“ whilst he was abroad; had been in it since the powder
“ was laid there, and inclusive confessed him a prin-
“ cipall actor in the same. In the meane time we have
“ also found out (tho’ he deny’d it long), that on Satur-
“ day night, the third of November, he came post out
“ of the north; that this man rid to meet him by the
“ way; that he dined at Sion with the earl of Northum-
“ berland on Monday; that as soon as the lord cham-
“ berlaine had been in the vault that evening, this
“ fellowe went to his master about six of the clock at
“ night, and had no sooner spoken with him; but hee
“ fled immediately, apprehending straight that to be
“ discovered, which at that time was rather held un-
“ worthy belief, tho’ not unworthy the after tryall. In
“ which I must need do my lord chamberlaine his right,
“ that he could take no satisfaction untill he might
“ search that matter to the bottome; wherein I must
“ confess I was much less forward; not but that I had

“ sufficient advertizement, that most of those that now
“ are fled (being all notorious recusants) with many
“ other of that kind, had a practise in hand for some
“ stirre this parliament; but I never dreamed it should
“ have been in such nature, because I never read nor
“ heard the like in any state to be attempted in gross
“ by any conspiracy, without some distinction of persons. I do now send you some proclamations, and
“ withall think good to advertize you, that those persons
“ named in them, being most of them gentlemen spent
“ in their fortunes, all inward with Percy, and fit for all
“ alterations, have gathered themselves to a head of
“ some fourscore or a hundred horse, with purpose (as
“ we conceive) to pass over seas; whereupon it hath
“ been thought meet in pollicie of state (all circumstances considered), to commit the earl of Northumberland to the archbishop of Canterbury, there to be
“ honourably used untill things be more quiet: whereof
“ if you shall hear any judgment made, as if his majestie
“ or his councell could harbour a thought of such a
“ savadge practise to be lodged in such a nobleman’s
“ breast, you shall do well to suppress it as a malicious
“ discourse and invention; this being only done to
“ satisfy the world, that nothing be undone which belongs to pollicie of state, when the whole monarchy
“ was proscribed to dissolution; and being no more than
“ himself discreetly approved as necessarie, when he
“ received the sentence of the councell for his restraint.

“ It is also thought fit that some martial men should
“ presently repair down to those countries where the
“ Robin Hoods are assembled, to encourage the good
“ and to terrifie the bad. In which service the earl of
“ Devonshire is used, and commission going forth for
“ him as generall; although I am easily persuaded, that
“ this faggot will be burnt to ashes before he shall be
“ twenty miles on his way. Of all which particulars I

" thought fit to acquaint you, that you may be able to
" give satisfaction to the state wherein you are ; and so
" I commit you to God.

" Your assured loving friend,

" From the Court at
" Whitehall.

" Salisbury."

" *Postscript.*—Although all ports and passadges are
" stopped for some time, as well for ambassadors as
" others, yet I have thought good to advertize you
" hereof with the speediest, the rather because his ma-
" jestie would have you take occasion to advertize the
" king his brother of this miraculous escape.

" *Postscript.*—Since the writing of this letter we have
" assured news that those traytors are overthrowne by
" the sheriffe of Worcestershire, after they had betaken
" themselves for their safetie in a retreate to the house
" of Stephen Littleton in Staffordshire. The house was
" fired by the sheriff: at the issuing forth, Catesby was
" slaine, Percy sore hurt, Graunte and Wrighte burned
" in their faces with gunpowder ; the rest are either
" taken or slaine. Rookwood and Digby are taken."

NOTE II; referred to in p. 180.

*On the Anonymous Letter respecting the Gunpowder Plot,
delivered to Lord Monteagle.*

(From Mr. Nash's History of Worcestershire, vol. i. p. 585.)

“THE mansion-house * here is supposed to have
“ been built by John Habington, cofferer to queen
“ Elizabeth; the date in the parlour is 1572. His son,
“ who was concerned in various plots, for the releasing
“ Mary queen of Scots, and setting up a papist to suc-
“ ceed her, contrived many hiding-holes in different
“ parts of the building. The access to some was through
“ the chimney, to others through necessary-houses;
“ others had trap-doors which communicated to back
“ staircases: some of these rooms on the outside have
“ the appearance of great chimnies. As the house is
“ uncommonly constructed both within and without, I
“ have had it engraved, together with the head of the
“ builder. I have likewise given a slight sketch of Mr.
“ Thomas Abingdon and his wife Mary, who was sister
“ to lord Monteagle, so called during the life-time of his
“ father lord Morley. Tradition in this country says, she
“ was the person who wrote the letter to her brother,
“ which discovered the gunpowder plot. Percy, whose
“ picture is at Henlip, was very intimate both with
“ Abingdon and lord Monteagle, and is supposed by
“ Guthrie to have written the letter; but the style of it
“ seems to be that of one who had only heard some
“ dark hints of the business, which perhaps was the
“ case of Mrs. Abingdon, and not of one who was a
“ principal mover in the whole, as was Percy, a des-
“ perado, who thought himself personally offended, and

* “ Henlip House, in the Alfreton division, in Worcestershire.

“ who was fit for the most horrid designs*. Mr.
 “ Abingdon, husband to this lady, was condemned to
 “ die for concealing Garnett and Oldeorn, as mentioned
 “ in the paper which follows; but was pardoned at the
 “ intercession of his wife and lord Monteagle.

“ Among the mss. in the Harleian library, marked
 “ 38. B. 9. is the following account, which agrees with
 “ that given by Mr. Abingdon, in some mss. now before
 “ me, found in the house at Henlip.

“ “ A true discovery of the service performed at Henlip,
 “ the house of Mr. Thomas Abingdon, for the ap-
 “ prehension of Mr. Henry Garnett, alias Walley,
 “ provincial of the jesuits, and other dangerous
 “ persons, there found in January last, 1605.

“ After the king's royal promise of bountiful reward
 “ to such as would apprehend the traitors concerned
 “ in the powder conspiracy, and much expectation of
 “ subject-like duty, but no return made thereof in so
 “ important a matter, a warrant was directed to the
 “ right worthy and worshipful knight sir Henry
 “ Bromlie; and the proclamation delivered therewith,
 “ describing the features and shapes of the men, for
 “ the better discovering them. He, not neglecting so
 “ weighty a business, horseing himself with a seemly
 “ troop of his own attendants, and calling to his assist-
 “ ance so many as in discretion was thought meet,
 “ having likewise in his company sir Edward Bromley;
 “ on Monday, Jan. 20 last, by break of day, did engirt
 “ and round beset the house of mayster Thomas

* “ The original letter, now preserved in the Paper-office, Whitehall,
 “ is exactly copied by Rapin; the beginning of it is, ‘ Love I bear to
 “ you;’ but the word you is scratched out, and it goes on ‘ to some of
 “ your friends;’ perhaps this might be cautiously erased by Mrs. Abing-
 “ don, lest it might lead to a discovery of the writer, by savouring too
 “ strongly of brotherly love. The letter indeed seems to be in a coun-
 “ terfeit hand, and not that of a lady.

“ Abbingdon, at Henlip, near Worcester. Mr. Abbingdon not being then at home, but ridden abroad about some occasions best known to himself; the house being goodlie, and of great receipt, it required the more diligent labour and pains in the searching; it appeared there was no want; and Mr. Abbingdon himself coming home that night, the commission and proclamation being shewn unto him, he denied any such men to be in his house, and voluntarily to die at his own gate, if any such were to be found in his house, or in that shire; but this liberal or rather rash speech could not cause the search so slightly to be given over; the cause enforced more respect than words of that or any such like nature; and proceeding on, according to the trust reposed in him, in the gallery over the gate there were found two cunning and very artificial conveyances in the main brick-wall, so ingeniously framed, and with such art, as it cost much labour ere they could be found. Three other secret places, contrived by no less skill and industry, were found in and about the chimnies, in one whereof two of the traitors were close concealed. These chimney conveyances being so strangely formed, having the entrances into them so curiously covered over with brick, mortared, and made fast to planks of wood, and coloured black like the other parts of the chimney, that very diligent inquisition might well have passed by, without throwing the least suspicion upon such unsuspecting places. And whereas divers funnels are usually made to chimneys according as they are combined together, and serve for necessary use in several rooms, so here were some that exceeded common expectation, seemingly outwardly fit for carrying forth smoke; but being further examined and seen into, their service was to no such purpose, but only to lend air and light

“ appeared to one of his disciples, who kept it as a relic, encircled with this legend, ‘ *Miraculosa effigies R. P. H. Garnet Soc. Jesu. Martyris Anglicane, 3 Maii, 1606* *.’

“ Garnett was a man of much learning, professor of philosophy and Hebrew in the Italian college at Rome, and supplied the place of the celebrated Clavius. It doth not appear that he was active in the powder plot; and he declared, just before his execution, that he was only privy to it, and concealed what was delivered to him in confession. He was a Nottinghamshire man, and educated at Rome. He was hanged in St. Paul’s church-yard, May 3, 1606.

“ Edward Oldcorn was priest to Mr. Habington at Henlip, and invited Garnett to come there: he was hanged at Worcester, April 7, 1606. For a further account of these priests, and likewise of the gunpowder plot; see the Appendix to the second part of the ‘ *Memoirs of Missionary Priests executed in England, from 1577 to 1684,*’ printed in the year 1742.

* Mr. Benj. Pye’s Third Letter on Phillips’s Life of Pole. Granger, i. 260. Suppl. p. 133.

NOTE III; referred to in page 319.

STATEMENT OF THE OBJECTIONS TO THE OATH
PRESCRIBED TO THE ROMAN-CATHOLICS BY
JAMES THE FIRST, AND OF THE ANSWERS TO
THEM.

(From Clarendon's State Papers, vol. i. p. 190.)

TEXTUS JURAMENTI.

Formula Juramenti novi Fidelitatis, in octo clausulas divisa.

Sensus præsumptus.

Formula ista excogitata videtur in odium et suppressionem catholicorum, atque ignominiam ecclesiae Romanae, ejusque summi pontificis: ideoque praestari nequit absque lapsu aperto in professione externâ fidei, et scandalo manifesto pusillorum.

Sensus verè intentus.

Formula hæc non proponitur a rege in odium fidei, nec in ignominiam pontificis, quem sua majestas honorat et reveretur; nec in vexationem catholicorum; erga quos est benignissimus; nec in abnegationem ullius veritatis fidei divinæ, de qua noluit in hoc juramento mentionem fieri; sed ad civilem naturalemque duntaxat obedientiam exigendam, qualem cæteri monarchæ catholici, puta reges Francorum, a suis exigunt subditis. Pusilli autem sunt à meliùs sapientibus docendi, ut scandali opinionem deponant.

Textus Juramenti.

I.

Ego, A. B. veraciter et sincere agnosco, profiteor, testificor et declaro in conscientiâ meâ coram Deo et mundo, supremum dominum nostrum regem Carolum esse legitimum et verum regem hujusce regni, aliorumque majestatis suæ dominiorum et regionum.

Sensus præsumptus.

I.

In vocabulo "supremum" videtur includi primatus ecclesiasticus : quem, saltem in causis merè spiritualibus fidei, morum, et rituum sacrorum, laicæ potestati attribuire, est contra fidem ; juxta illud Ambrosii ad Valentinianum imperatorem : " Si vel scripturarum seriem " divinarum, (inquit), vel vetera tempora retractemus ; " quis abnuat in causâ fidei, in " causâ, inquam, fidei, episcopos solere de imperatoribus christianis, non imperatores " de episcopis judicare ? Eris, " Deo favente, etiam senectutis " maturitate provectior, et tunc " de hoc censebis, qualis episcopus sit qui laicis jus sacerdotale subternit."

Sensus verè intentus.

I.

Planus et communis sensus hujus vocabuli non est alius, quàm quem olim habuit ante motam controversiam de primatu ecclesiastico ; quique apud Gallos et Hispanos agnoscitur, cum principes suos vocant, illi *souverains*, isti verò *soberanos*. Nec ullam hic primatus insinuationem fieri, ipsi reges apertissime declararunt. Quin eo jam res est disputatione deducta prudentium, ut multi theologi regii existiment primatum regium in ecclesiâ non aliud dicere, quàm omnes personas laicas et ecclesiasticas, omnesque causas et res ipsorum quæ aliquid temporale aut bursale includunt, ad dominium et jurisdictionem principis civilis pertinere ; nisi quatenus ipse dignetur cognitionem ecclesiæ tribunali deferre : judicium vero de fide et moribus ac ritibus, rex noster sibi non arrogat, sed ad episcopos rejicit. Executionem vero & protectionem decretorum ec-

cleriæ jurisdictione principis subjici, nemo ignorat : ut possit sine scrupulo admitti, episcopum esse Caput, patrem, pastorem spiritualem imperatoris, regis, principis, ut judicet de ejus animâ : imperatorem vero, regem, principem, esse episcopi Caput, patrem et pastorem in temporalibus, ut de illius corpore et temporalitate judicium possit ferre : et diverso respectu, uterque primatum in ecclesiâ tenere dicatur.

Textus Juramenti.

II.

Quodque papa neque ex seipso, neque per ullam auctoritatem ecclesiæ seu cathedræ Romanæ, neque per ulla alia media cum alio quoquam, habeat potestatem vel auctoritatem deponendi regem, aut disponendi de ullis majestatis suæ regnis, seu dominiis ; aut danti auctoritatem ulli externo principi ut invadat aut lædat ipsum, vel regiones ipsius ; aut absolvendi ullum subditorum ipsius a vinculo fidelitatis seu obedientiæ erga majestatem ipsius ; aut licentiam seu permissionem concedendi ulli subditorum ipsius, ut arma sumat, tumultusve suscitet, ullamve offerat violentiam aut læsionem regali personæ majestatis suæ, vel statui, seu gubernationi, sive ullis majestatis suæ subditis, intra majestatis suæ dominia.

Sensus præsumptus.

II.

1. Videtur hic urgeri, ut jurans asserat sub sacramento falsam esse S. Thomæ et multorum theologorum sententiam, quæ admittit spiritualementi.

VOL. II.

Sensus verè intentus.

II.

1. Sensus planus est, jurantem invocare Deum testem quod agnoscat, profiteatur, testificetur et declaret, suo quidem judicio nullam talem potestatem

G G

scis potestatem indirecte etiam ad temporalem coactionem extendi: quod videtur temerarium, et erroneum in fide.

in pontifice sitam esse: quod non est contrariæ sententiæ falsitatem jurare, sed suum dumtaxat de eâ iudicium sub juramento ad mandatum principis

proferre. Quod si hoc a multis temerarium judicetur, a multis etiam ut verum defenditur; maxime a theologis, jurisconsultis, et episcopis Franciæ; vel quia principes Angliæ et Franciæ nunquam se tali jurisdictioni submittere voluerunt, vel quia talis potestas, etsi speculative concedatur, in praxi tamen nequit exerceri, nisi cum tumultu et sanguine. Cujusmodi cruentæ executiones non solum dedecent ecclesiasticam lenitatem, verum etiam decolorant sacerdotalem dignitatem.

2. Videtur excludere potestatem totius ecclesiæ in concilio generali indubitato representativè congregatæ; quasi pontifex ne quidem in tali concilio posset principem deponere; quod videtur esse contra fidem; cum saltem de fide sit, pontificem tali concilio fultum non posse in decretis suis errare.

2. Etiam tale concilium posset in facto errare et innocentem damnare; ut de concilio quinto Honorium primum damnante respondet Bellarminus. Et præterea tale concilium nunquam aliquid statuit de temporalibus, nisi consentientibus principum et rerum publicarum legatis: qui si commissionem habent principes suos potestati et dispositioni concilii

submitteendi, non sequitur inde aliquid contra hoc juramentum, nec juramentum hoc illi dispositioni contradicere.

3. Videtur etiam juramento abnegari auctoritas omnis suavis, excitativa, hortatoria; quâ pontifex posset alios principes ad defensionem ecclesiæ, aut jura ipsius recuperanda suscitare: quod nemo vere jurare poterit.

3. Agitur in hoc juramento solum de auctoritate seu potestate jurisdictionis, sive superioritatis; et illa solum negatur: non autem de auctoritate doctoris, aut potestate confederatorum, vel moralis suasionis: hæc enim non obligant in conscientiâ eos quibuscum agunt, sicut vera jurisdictio et superioritas obligat subditorum conscientias.

Textus Juramenti.

III.

Juro etiam ex corde quod, non obstante quâcunque declaratione sive sententiâ excommunicationis aut privationis factâ seu concessâ, aut faciendâ, seu concedendâ per papam aut successores ejus, aut per ullam auctoritatem derivatam vel derivandam ab ipso vel ab ejus cathedrâ, contra prefatum regem, hæredes ejus, aut successores; vel ullâ absolutione dictorum subditorum ab obedientiâ suâ, fidem servabo, veramque fidelitatem erga majestatem ipsius, hæredes successoresque; eosque defendam juxta ultimum posse meum, contra omnes conspirationes vel attentatus quoscunque qui contra ipsum fient, aut ipsius vel eorum personas, eorumve coronam aut dignitatem, ratione vel colore accepto ex ullâ tali sententiâ, seu declaratione, sive aliunde; quodque omni modo possibili mihi conabor detegere et manifestare majestati suæ, hæredibusque et successoribus illius, omnes prodiones et proditorias conspirationes, quas cognovero aut audivero fieri contra ipsum, aut ullum ipsorum.

Sensus præsumptus.

III.

1. Videtur hâc clausulâ contemni et abnegari potestas spiritualis excommunicandi, quandoquidem nullum ejus effectum agnoscit; quod videtur cum fide pugnare.

Sensus verè intentus.

III.

1. Supponit potiùs quam negat potestatem excommunicandi, quam rex Jacobus expresse vetuit excludi. Quiautem effectus temporales excommunicationis consequentes neget, non facit ex contemptu potestatis spiritualis, sed ex persuasionem in secundâ clausulâ prolatâ, quâ jurans profitetur se non agnoscere in spirituali potestate jurisdictionem ullam temporalem, nisi quam potestas civilis illi largitur.

2. Cum per leges Angliæ actus hierarchici sacrificandi, et a peccatis absolvendi, inter proditoria crimina reputentur, videtur juramento hoc astringi jurans, ut detegat omnes sacerdotes et catholicos; quod esset manifestus lapsus in fide, non minus quam eorum qui olim libros sacros tradebant persecutoribus, ideoque traditores vocabantur.

2. Tales actus non fiunt propriè contra regem aut personam illius, nec, secundum planam et communem receptamque intelligentiam, vocabulo proditionem accipi solent, sed secundum novam et insolitam significationem, quæ propterea ab hoc juramento per clausulam septimam excluditur.

Textus Juramenti.

IV.

Ulterius etiam juro me ex corde abominari, detestari, et abjurare, tanquam impiam et hæreticam, damnablem istam doctrinam, quæ asserit quod principes, qui excommunicati sunt vel privati per papam, possint deponi, vel necari per subditos suos, aut alios quoslibet.

Sensus præsumptus.

IV.

Videtur eâdem censurâ condemnari sententiam doctissimorum Theologorum, qui docent principum depositionem legali processu absque tumultu et cædibus factam, quam hæresim eorum, qui docent principem excommunicatum aut privatum posse a quovis etiam proditoriè et per insidias occidi; quod videtur injuriosum multis sanctis doctoribus.

Sensus verè intentus.

IV.

Damnat illam sententiam tantum, quæ docet excommunicationem vel privationem tantam vim habere, ut quivis possit licitè principem sic excommunicatum aut privatum etiam proditoriè necare, si alio modo nequeat sententia depositionis executioni mandari. At hoc totum est jamdudum in concilio generali damnatum.

Textus Juramenti.

V.

Præterea credo et in conscientiâ persuasum habeo, quod neque pontifex, neque ulla alia persona qualiscunque, potestatem habeat absolvendi me ab hoc juramento, aut ab ullâ ejus parte.

Sensus præsumptus.

V.

Videtur insinuare, tanquam doctrinam fidei, nullam personam hoc juramento posse dispensare; cum tamen saltem tota ecclesia repræsentativè collecta possit.

Sensus verè intentus.

V.

Loquitur hæc clausulâ de fide et persuasione humanâ, non de divinâ; quodcumque vero tota ecclesia repræsentativa tale quippiam statuit, id facere debet et solet, auditis et consentientibus principum ipsorum, regnorumque quorum interest, legatis; unde nihil sequitur contra hanc clausulam.

Textus Juramenti.

VI.

Quod quidem juramentum agnosco bonâ et plenâ auctoritate legitime a me exigi; et renuncio omnibus indulgentiis sive dispensationibus in contrarium.

Sensus præsumptus.

VI.

Videtur auctoritatem spirituales ejusque plenitudinem laico principatui dare; et superbiam quandam redolet, aut contemptum clavium talis renunciatio.

Sensus verè intentus.

VI.

Agitur hic aperte de potestate laicâ; ad quam etiam spectat juramentum in causis civilibus exigere. Neque vero est superbum, aut contemptum clavium redolet, reverenter juri suo renunciare ne lædatur proximus, multo magis ne jure suo fraudetur princeps legitimus.

Textus Juramenti.

VII.

Hæc autem omnia planè et sincere agnoscô et juro, secundum expressa verba a me prolata, et juxta planum et communem sensum atque intelligentiam ipsorum verborum, absque ullâ æquivocatione, aut mentali evasione, aut secretâ reservatione quâcunque.

Sensus præsumptus.

VII.

Videtur esse impossibile, ut homo catholicus hæc omnia agnoscat, absque aliquâ æquivocatione, amphibologiâ aut evasione mentali.

Sensus verè intentus.

VII.

Excluditur hic illa solum æquivocatio et reservatio, quæ sit deliberatè frustratoria juramenti, ejusve fini contraria. Nam æquivocatio aut amphibologia quæ contingit bonâ fide

agentibus, et conditiones illæ in omni juramento subintellectæ, si recte capio salvo honore Dei et fidei catholicæ, hæc clausulâ non censentur excludi.

Textus Juramenti.

VIII.

Hanc vero recognitionem et agnitionem facio ex corde, libenter, et veraciter, in fide verâ christiani; sic me Deus adjuvet.

Sensus præsumptus.

VIII.

Quomodo potest libenter hæc facere, qui non nisi coactus ad hoc juramentum accedit?

Sensus verè intentus.

VIII.

Omnis christianus timoratus ita debet esse affectus, ut non nisi necessitate veritatis, aut veritate charitatis, ad juramen-

tum accedat; sed, quando aut veritas aut charitas postulât, libenter et ex corde debet accedere.

Hinc videtur deduci, multa contra fidem in hac juramenti formulâ contineri; ideoque ipsam non posse in conscientiâ a catholicis præstari.

Ex his videtur multo verisimilius deduci, nihil contra fidem in hoc juramento contineri, sed omnia, quæ in eo exiguntur, esse in praxi honesta et licita.

Ex hac comparatione judicare possunt eminentissimi domini, quid de totâ hac re sentiendum sit, atque decernendum; sed ulterius, si placeat, corollarium hoc accipite.

Cum recusatio juramenti non solum mitissimum regem vehementer offendat, verum etiam omnes catholicos Angliæ in certissimum discrimen confiscationis omnium fortunarum suarum, et perpetuæ incarcerationis conjiciat: et tamen aliunde ea, quæ in hoc juramento jubentur, in catholico regno Galliæ tolerentur, immo veluti leges regni fundamentales teneantur, ut demonstrat ex perpetuâ praxi Michael Rousselius, scriptor pius et vere catholicus, in *Historiâ Jurisdictionis Ecclesiasticæ*; et ab ordine universo societatis Jesu per Gallias, duodecim præcipuis patribus id acceptantibus, coram senatu Parisiensi, ut in praxi justa admissa fuerint; et vero talia sint, judicio cardinalis Perronii, ut propterea schismatis causa esse non debeant; quod est dicere schismaticum non esse, atque adeo nec temerariam, qui ita sentiat, sicut in juramento exigitur; consideratione eminentissimorum dominorum dignissimum est, an non expediat hæc tolerare in Angliâ, æque atque in Galliâ? et tam suspendere decreta prohibitoria, propter sensum a rege serenissimo declaratum, quam etiam ab ulterioribus prohibitionibus hæc in re abstinere?

Father More (*Hist. l. viii. sect. 2.*) notices the oath of James, and the objections to it. These he generally adopts. On the clause, by which the deposing power is rejected, he says, that "no one yet had exempted the subjects of kings from the power of the pope, of the church, and of the Roman see, to coerce them, or to extend their spiritual censures to temporal punishments and

“ mulcts, and, though it might be conceded to the defenders of this clause, that, as James, though educated in heresy, had not yet exercised any severity against the catholics, he himself might be so exempt, yet, who could answer for his numerous successors, so far as to bind himself to their defence, by an inviolable oath, unless he denied the deposing power to the pope in every case?”

He mentions that father Holtby, who succeeded Garnett in the superiority over the English jesuits, immediately after the oath was promulgated, sent a copy of it to Rome, and forbade the members of his order to give an opinion on its lawfulness; that he often discussed it with other priests, sometimes separately and sometimes at the house of Blackwell the archpriest, but that they came to no agreement in opinion.—Blackwell, he says, thought, from the first, that it was lawful to take the oath; and, so far was he from being induced by the briefs from Rome to alter his opinion, that he took it himself; and advised his assistants and brethren to take it; and so firmly persisted in these sentiments, that, when he was pressed, on his death-bed, to retract and repent of them, the utmost which could be drawn from him, was, that “ if he had erred in this respect, he repented.”—More says, “ that all the jesuits agreed in condemning the oath.”

Towards the conclusion of his work, (*l. x. s. 33*), he justly observes, that “ the fidelity which the catholics showed to Charles in his distresses,—not one of them having proved unfaithful to him,—showed that those, who objected to the oath, did not do it from want of true allegiance, but from conscientious objections to its language.”

END OF VOL. II.

—

—

—



3 2044 048 258 248

BUTLER, Charles
Historical memoirs
of the English...
Catholics...

934.45
B985hi
1822
v.2